

# 1992

## TOWN of SHARON



### ANNUAL WARRANT

With Report and Recommendations of the Warrant Committee

### TOWN ELECTION

Tuesday, May 5, 1992

7:00 A.M. - 8:00 P.M.

Sharon High School Gymnasium

### ANNUAL TOWN MEETING

Monday, May 11, 1992

8:00 P.M. Meeting at the

Arthur E. Collins Auditorium

Sharon High School, Pond Street

*PLEASE BRING THIS REPORT TO MEETING*

YOU MUST BE A REGISTERED VOTER TO  
ATTEND THIS MEETING



**OPEN WARRANT MEETING**

**Thursday, May 7, 1992  
7:30 P.M.**

**SHARON MIDDLE SCHOOL**

**Mountain Street**

*INFORMAL DISCUSSION OF SPECIAL ARTICLE AND BUDGET*

## TOWN OF SHARON

### FINANCE COMMITTEE INTRODUCTION

As was stated in last year's introduction to the Warrant, the State's fiscal problems have persisted as the leading economic indicators for our region have given little reason for optimism. The communities in the State are among the many casualties resulting from the economic downturn. State aid to cities and towns has been reduced once again. As a result, the Town's ability to fund necessary services and activities has been severely impacted.

The Selectmen, Department Heads, Commission Chairs, School Committee and Finance Committee have done their best to present to Town Meeting a budget package that preserves as many Town services as possible given the existing fiscal constraints. Nevertheless, difficult choices had to be made based on certain priorities given to services provided by the Town.

Whether you agree or disagree with the budgets or recommendations made with respect to the articles in this Annual Warrant, we urge all citizens of Sharon to educate themselves on the issues and attend Town Meeting. In these difficult times, it is vitally important that decisions made at Town Meeting reflect consideration of all viewpoints and not be unduly influenced by special interests.

Please make your voice heard!

### THE FINANCE COMMITTEE

David C. Crocker, Chairman  
Paul Bergeron  
Leene Chavez  
George Dubin  
Harold Fienberg  
Terry Greenstein  
Ted Grossman  
David Milowe  
David Novak  
Richard Ogden  
Lee Wernick  
Arthur Wyn



SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday the eleventh of May A.D. 1992, at 8:00 P.M., and thereto act on the following articles:

ARTICLE 1

To see if the Town will vote to appropriate an additional sum of money from available funds for the School Budget for unanticipated overruns in the Special Education costs or act in any way relating thereto.

TOWN ACCOUNTANT

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ARTICLE 2

Any provisions of our General By-Laws notwithstanding, the Board of Selectmen may issue a permit to allow the use of such portions of a public way as they deem appropriate for basketball play. Any person wishing to have a site within a public way designated for such use shall apply for a permit to the Board of Selectmen. The Board, in determining whether to grant such a permit or not, shall consider the impact such proposal has in terms of public safety, disturbance of neighbors, interference with the way and/or private property and such other matters as the Board deems appropriate. In granting such permit the Board may impose such conditions as they deem necessary; or take any action relative thereto.

LES WILSON

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ARTICLE 3

That the Town of Sharon calls upon the Legislature to annually appropriate and fully distribute the legally required 15% of gas tax receipts to cities and towns, for the construction, maintenance, and policing of local roads.

BOARD OF SELECTMEN

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FINANCE COMMITTEE RECOMMENDATIONS - SPECIAL TOWN MEETING:

The substance of these Articles came before the Finance Committee too late for proper review and also after the publication deadline of the Warrant. The Finance Committee recommendations will be made at Town Meeting.

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And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws.

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 3rd day of April, A.D., 1992.

EDWIN S. LITTLE, Chairman

HENRY D. KATZ

RONI THALER

BOARD OF SELECTMEN SHARON, MASSACHUSETTS

A True Copy: BERNARD C. COFFEY, Constable Sharon, Massachusetts  
Date: April 3, 1992

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the High School Gymnasium on Pond Street in said Sharon on Tuesday, the fifth of May A.D. 1992, at 7:00 A.M., and there to act on the following articles:

ARTICLE 1

To choose all necessary Town Officers as by law are required to be elected by ballot, and on the ballot prepared by the Town Clerk, to wit: One member of the Board of Selectmen, three year term; one member, Board of Assessors, three year term; two members of the School Committee, three year terms; one member of the Planning Board, five year term; two Trustees of the Public Library, three year terms; one member of the Housing Authority, five year term.

The following Articles will be acted on at the business meeting of this meeting, to be held by adjournment on Monday, May 11, 1992, at 8:00 P.M. at the Arthur E. Collins Auditorium, Sharon High School, Pond Street.

ARTICLE 2

To choose 4 members of the Finance Committee for 3 year terms, and to fill any vacancies on said committee.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends approval and is seeking other interested citizens to join the Committee.

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ARTICLE 3

To act upon the reports as printed and to hear any other reports, and to act thereon.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 4

To see if the Town will vote to amend the Personnel By-Law of the Town of Sharon, or act in any way relating thereto:

A. By adopting as amendments to said By-Law, the following interim and/or emergency changes, additions or deletions by the Personnel Board in its authority under Section 2.6 of the By-Law:

1) To classify the position of Administrative Assistant to the Council on Aging from a Group III to Group II, effective May 21, 1991.

2) To amend Personnel By-Law, Section 4-1 (Pay Administration) 2 (v) to read reclassification and delete all other language from section.

B. By striking out all classification schedules and pay schedules in Appendix A and substituting new classification schedules and new pay schedules as of July 1, 1992 and effective dates where applicable.



## APPENDIX A

### EXECUTIVE CATEGORY

July 1, 1992 - June 30, 1993

#### SECTION 1.100

#### CLASSIFICATION SCHEDULE

#### SECTION 2.100

#### PAY SCHEDULE/ANNUALLY

#### CODE

E-2	Superintendent of Public Works	\$58,157.
E-3	Town Engineer	48,821.
E-4	Town Accountant	39,377.
E-5	Recreation Director	40,912.
E-6	Library Director	39,599.
E-8	Assistant Assessor	36,057.
E-9	Council on Aging Exec. Dir.	28,701.
E-10	Conservation Officer*	14,045.
E-12	Treasurer/Collector D.P. Mgr.	52,341.

\*20 hours per week

### ADMINISTRATIVE, TECHNICAL AND PROFESSIONAL CATEGORY

JULY 1, 1991 - JUNE 30, 1992\*\*\*

#### SECTION 1.200

#### CLASSIFICATION SCHEDULE

#### GROUP I

#### SECTION 2.200

#### PAY SCHEDULE WEEKLY

TITLE	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Super.Hwy.					
Oper.	538.83	576.58	616.92	660.09	706.30
Super.Water	538.83	576.58	616.92	660.09	706.30
Bldg.Insp.	538.83	576.58	616.92	660.09	706.30
Pub.Health					
Nurse*	403.98	432.42	462.69	495.06	529.71

#### GROUP II

DPW Adm.					
Asst.	511.54	547.35	585.67	626.64	670.51
Sr.Eng.Aide	511.54	547.35	585.67	626.64	670.51
Asst.Rec.					
Dir.**	511.543	547.35	585.67	626.64	670.51

#### GROUP II-A

Asst.Oper.					
Super.	485.63	519.20	555.37	594.11	636.73
Eng.Aide	485.63	519.20	555.37	594.11	636.73



GROUP II-B

DP Sys.					
Admin.	560.53	599.77	641.76	686.68	734.74

GROUP III

Athletic					
Sup. Rec.	380.52	404.29	428.06	451.87	475.62

\*30 hour week

\*\*37 1/2 hour week

\*\*\* This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

INDUSTRIAL, TRADE AND SERVICES CATEGORY  
JULY 1, 1990 - JUNE 30, 1991\*\*

SECTION 1.300 CLASSIFICATION	SCHEDULE CODE	SCHEDULE 2.300 PAY SCHEDULE/HOURLY			
		STEP 1	STEP 2	STEP 3	STEP 4
Working Foreman (Water)	ITS-3A	12.24	12.54	12.81	13.13
Senior Water Systems Tech.	ITS-3A	12.24	12.54	12.81	13.13
Working Foreman	ITS-3	11.89	12.19	12.46	12.77
Master Mechanic	ITS-4	11.47	11.72	11.97	12.19
Aerial Lift Oper.	ITS-4	11.47	11.72	11.97	12.19
Sign Maker	ITS-4	11.47	11.72	11.97	12.19
Water Systems Tech.	ITS-5A	11.03	11.38	11.64	11.92
Spec.Hvy.Equip.Oper.	ITS-5	10.70	11.03	11.29	11.58
Night Custodian*	ITS-5	10.70	11.03	11.29	11.58
Auto Equip.Op.	ITS-6	10.41	10.65	10.86	11.11
Skilled Laborer	ITS-6	10.41	10.65	10.86	11.11
Labor Group II	ITS-7	9.79	10.02	10.28	10.49
Labor Group III	ITS-8	9.43	9.61	9.83	10.02
Auxiliary Labor	ITS-9	9.01	9.18	9.33	9.47
Asst.Dump Op.	ITS-9A	8.68	8.87	9.07	9.18

\*Night Custodian -- Employees holding job title "Night Custodian" position classification ITS-5 shall, in addition to the regular hourly rate of compensation associated with the same, be compensated the sum of thirty dollars (\$30.00) for each week.

\*\*This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

# OFFICE OCCUPATION CLASSIFICATION

## SECTION 1.400 CLASSIFICATION SCHEDULE GROUP I

ASSISTANT TOWN CLERK  
ASSISTANT TREASURER  
ASSISTANT TOWN ACCOUNTANT/ASSISTANT TO VETERANS' AGENT  
POLICE SECRETARY  
ASSISTANT COLLECTOR  
ADMINISTRATIVE ASSISTANT/ASSESSOR'S OFFICE

GROUP II  
ASSISTANT TOWN ACCOUNTANT  
LIBRARY CIRCULATION SUPERVISOR  
ADMINISTRATIVE ASSISTANT - LIBRARY  
ASSESSOR - CLERK I  
EDP OPERATOR-SENIOR BOOKKEEPER  
ELECTION/REGISTRATION SECRETARY CLERK  
ADMINISTRATIVE ASSISTANT-HEALTH DEPARTMENT  
ADMINISTRATIVE ASSISTANT-PLANNING BOARD  
ADMINISTRATIVE ASSISTANT - COUNCIL ON AGING

GROUP III  
SENIOR BOOKKEEPER/REAL ESTATE LIENS  
DPW SECRETARY  
SECRETARY/CLERK ACCOUNTING/VETERANS' AGENT  
SECRETARY-PERSONNEL BOARD  
POLICE CLERK  
SECRETARY CLERK ACCOUNTANT  
SENIOR BOOKKEEPER-TREASURER  
SECRETARY-FIRE DEPARTMENT  
EDP OPERATOR-PAYROLL  
LIBRARY TECHNICAL SERVICE ASSISTANT

GROUP IV  
SECRETARY-RECREATION  
LIBRARY ASSISTANT  
CASHIER CLERK  
SECRETARY-CONSERVATION COMMISSION  
ASSESSOR-CLERK 2  
JUNIOR BOOKKEEPER-REAL ESTATE

## SECTION 2.400 PAY SCHEDULE/HOURLY

## SECTION 1.400 CLASSIFICATION SCHEDULE

## SECTION 2.400 PAY SCHEDULE/HOURLY

July 1, 1990 - June 30, 1991\*

CODE	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Group I	10.14	10.84	11.62	12.41	12.73
Group II	9.19	9.82	10.53	11.25	11.53
Group III	8.30	8.89	9.51	10.17	10.43
Group IV	7.52	8.02	8.58	9.23	9.46

# LIBRARY - RECREATION DEPARTMENT

TITLE	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
GRADE 1					
Library/Community Center Custodian and Custodial Maintenance	7.73	8.22	8.75	9.29	9.77
GRADE 11					
Library/Comm. Ctr. Custodian	7.02	7.48	7.96	8.44	8.88
Bus Driver/ Weekly	274.84	295.39	314.11	334.66	353.39
ATP 9A Hd Info Svc. Asst. Dir.	424.08	453.84	485.60	519.61	555.94
ATP 9B Child. Serv. Librarian	400.08	428.16	458.13	490.19	524.49
Tech. Services Librarian	400.08	428.16	458.13	490.19	524.49
ATP 9 Information Service Lib'n.	376.09	402.47	430.64	460.78	493.02

\*Negotiations will reopen if other contract increases are granted above 5%. This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

SECTION 1.450  
CLASSIFICATION SCHEDULE

SECTION 2.450  
PAY SCHEDULE/WEEKLY

EFFECTIVE JULY 1, 1992

ADMINISTRATIVE SECRETARY  
BOARD OF SELECTMEN \$554.54

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
SECY-BOARD OF SELECT/EXEC SECY	\$8.72	\$9.33	\$9.99	\$10.68	\$10.95

PUBLIC SAFETY CATEGORY

SECTION 1.500  
CLASSIFICATION SCHEDULE

SECTION 2.500  
PAY SCHEDULE/WEEKLY

# POLICE DEPARTMENT

JULY 1, 1991 - JUNE 30, 1992\*

TITLE	CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
POLICE CHIEF	PD-110					1,167.93
LIEUTENANT	PD-90					611.69
SERGEANT	PD-80					688.30
PATROLMAN	PD-60	470.10	501.70	534.81	574.30	
		PD-60A	PD-60B	PD-60C	PD-60D	
		1ST YR.	2ND YR.	3RD YR.	4TH YR.	

\*THIS IS THE RATE THAT HAS BEEN IN EFFECT, AND WILL CONTINUE TO BE IN EFFECT UNTIL SUCH TIME AS A NEW COLLECTIVE BARGAINING AGREEMENT IS EXECUTED.

## POLICE DISPATCHER'S

JULY 1, 1991 - JUNE 30, 1992\*

TITLE	CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
CIVILIAN						
DISPATCHER	PD-40	8.34	8.91	9.52	10.12	10.83 (HRLY)

ADDITIONAL COMPENSATION SUPERVISOR/DISPATCHER \$25.00 PER WEEK.

\*This is the rate that has been in effect, and will continue in effect, until such time as a new collective bargaining agreement is executed.

## POLICE-CROSSING GUARDS

JULY 1, 1991 - JUNE 30, 1992

TITLE	CODE	STEP 1	STEP 2	STEP 3
SCHOOL CROSSING				
GUARD	PD-20	21.75	23.71	26.06 (DAILY)

SCHOOL CROSSING				
GUARD				
SUPERVISOR	PD-20A			32.62 (DAILY)

\*This is the rate that has been in effect, and will continue in effect, until such time as a new collective bargaining agreement is executed.

PD-20 AND PD-20A--The amounts of pay shown in the above schedule shall be paid in the event that school is cancelled due to snow.

The amounts of pay shown in the above schedule do not include the extra pay for educational qualifications provided for in the statutes and regulations of the State.



Members of the Police Department while so designated by the Chief of Police shall receive additional compensation to be considered part of their base pay as follows:

DETECTIVE PATROLMAN	\$17.54 PER WEEK
POLICE PROSECUTOR	\$17.54 PER WEEK
ADMINISTRATIVE SERGEANT	\$60.00 PER WEEK
DETECTIVE SERGEANT	\$50.00 PER WEEK
MOTORCYCLE OPERATOR (SELECTIVE ENFORCEMENT)	\$17.54 PER WEEK
ACCREDITATION MANAGER, COMPUTER MANAGER	\$17.54 PER WEEK
DARE PROGRAM COORDINATOR	\$17.54 PER WEEK
CRIME PREVENTION OFFICER	\$17.54 PER WEEK
SPECIAL ASSIGNMENT OFFICER	\$17.54 PER WEEK

The pay of the Police Chief, including all overtime pay, but not including the extra pay for educational qualifications, shall be limited to \$1,167.93 per week, effective 7/1/92 (Non-Civil Service). The pay of the Lt., including all overtime pay, but not including the extra pay for educational qualifications, shall be limited to \$611.69\* per week, effective 7/1/87.

Any patrolman, appointed without being required to take the written examination, shall be paid the base pay rate called for by step 1 of the pay schedule for a period of six months following his appointment, and, upon the expiration of said six month period, shall be paid the base pay rate provided for by step 2 unless he shall have previously been employed full time as a police officer, in which case he shall be paid the base pay rate under the step he would have been paid if his prior employment had been in the Sharon Police Department. Notwithstanding the step increase or increases provided for herein, a patrolman's probationary period shall be the probationary period provided for in 5-5 of this By-Law or in the collective bargaining agreement, whichever is applicable.

\*This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

#### FIRE DEPARTMENT

##### SECTION 1.510 CLASSIFICATION SCHEDULE

##### SECTION 2.510 PAY SCHEDULE/WEEKLY

TITLE	CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
CHIEF FIRE						
DEPT.	100					1,000.28

The pay of the Fire Chief, including all overtime pay, shall be limited to \$1,000.28 for fiscal year 1992-1993.

JULY 1, 1991 - JUNE 30, 1992\*

TITLE	CODE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
DEP.CH.	FD-95					694.25
CAPT.	FD-90					660.79
LT.	FD-80					653.53
FF.	FD-60	468.46	496.40	522.78	558.36	
		A	B	C	D	

\*This is the rate that has been in effect, and will continue in effect, until such time as a new collective bargaining agreement is executed.

Members of the Fire Department in the above classifications who become certified, are certified, or are recertified as Emergency Medical Technicians shall receive an annual stipend. Employees not now certified will be given the opportunity to obtain such certification, one at a time. Employees taking the certification course a second or subsequent time will receive overtime payments and tuition reimbursement only upon passing the EMT examination and becoming certified.

Members of the Fire Department are eligible to receive additional compensation in each fiscal year in accordance with the following educational incentive program:

For Fire Science Course approved in advance by the Fire Chief and successfully passed and credits certified, members of the Fire Department in the above classifications shall receive additional compensation in each fiscal year in accordance with the following schedule:

FOR 15 COURSE CREDITS CERTIFIED	\$200 ANNUALLY
FOR 30 COURSE CREDITS CERTIFIED	400 ANNUALLY
FOR AN ASSOCIATES DEGREE CERTIFIED	750 ANNUALLY

Payments for Emergency Medical Technician Certification and the Educational Incentive Program shall be made respectively on the second and third pay days in the month of November, and specialist pay shall be issued in January.

CALL FIREFIGHTERS  
HOURLY COMPENSATION RATE

7/1/91 - 6/30/92  
7.90\*

\*The parties agree to reopen negotiations exclusively with respect to the hourly compensation rate for fiscal year 1991-92 after completion of the Annual Town Meeting. This is the rate that has been in effect, and will

continue in effect, until such time as a new collective bargaining agreement is executed.

MISCELLANEOUS					
SECTION 1.600 CLASSIFICATION SCHEDULE			SECTION 2.600 PAY SCHEDULE		
EFFECTIVE JULY 1, 1992					
TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
VETERANS' AGENT(YRLY)					8,293.00
SEALER OF WEIGHTS/MEASURES(YRLY)					1,400.00
DOG OFFICER(WKLY)	321.85	344.75	363.70		
ANIMAL INSPECTOR(YRLY)					500.00
CUST/MAINT/HOURLY	4.91	5.23	5.55	5.89	
DPW TEMP/SUMMER					
LABOR(HRLY)	5.82	6.39	6.98		
LIBRARY PAGE(HRLY)	4.47	4.64	4.83	5.02	
BUDGET ANALYST(HRLY)	8.93	9.98	10.48		

SUMMER EMPLOYMENT - PART-TIME	
EFFECTIVE MAY 1, 1990	
WATER SAFETY INSTRUCTOR 10 WEEKS AT 40 HOURS PER WEEK	6.05 PER HOUR
HEAD LIFEGUARD 10 WEEKS AT 40 HOURS PER WEEK	7.27 PER HOUR
ADVANCED LIFESAVER 10 WEEKS AT 40 HOURS PER WEEK	5.45 PER HOUR
HEAD GATEGUARD 10 WEEKS AT 40 HOURS PER WEEK	5.45 PER HOUR
GATEGUARD 10 WEEKS AT 40 HOURS PER WEEK	4.84 PER HOUR
SAILING SUPERVISOR 10 WEEKS AT 40 HOURS PER WEEK	6.66 PER HOUR
SAILING INSTRUCTOR 10 WEEKS AT 40 HOURS PER WEEK	6.05 PER HOUR
PLAYGROUND INSTRUCTOR 10 WEEKS AT 40 HOURS WEEK	6.05 PER HOUR

PERSONNEL BOARD

FINANCE COMMITTEE RECOMMENDATION:

This is the standard pro-forma Article to update the salary levels.

The Finance Committee recommends approval. Vote: 8-0-1  
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ARTICLE 5

To fix the compensation of elected officers, provide for a Reserve Fund, and to determine what sums of money the Town will raise and appropriate, including appropriation from other available funds, to defray charges and expenses of the Town, including debt and interest, for the Fiscal Year beginning July 1, 1992, or act in any way relating thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends approval.

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ARTICLE 6

To hear the records of the donors of the Sharon Friends of School Fund and to choose trustees of the School Funds and other officers not on the official ballot.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This is a standard pro-forma Article.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 7

To see if the Town will vote to raise and appropriate a sum of money to be added to the special fund established to pay the Norfolk County Retirement Board for the Annual Assessment costs chargeable to the Town, and determine whether the

money shall be provided by taxation, by transfer from available funds, by borrowing, by a combination thereof, or act in any way relating thereto.

TOWN ACCOUNTANT

FINANCE COMMITTEE RECOMMENDATION:

The Town pays for its retirement costs on a cash accrual basis, based on its employee's compensation.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 8

To see if the Town will vote to raise and appropriate a sum of money to be added to the special fund established to reimburse the Massachusetts Division of Employment for the actual costs of benefits paid to former Town employees and chargeable to the Town, and determine whether to meet said appropriation by taxation, by transfer from available funds, by borrowing, by combination thereof, or act in any way relating thereto.

TOWN ACCOUNTANT



FINANCE COMMITTEE RECOMMENDATION:

This Article authorizes the Town to raise the funds necessary to pay for the actual cost of unemployment benefits.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 9

To see if the Town will vote to raise and appropriate a sum of money and to be added to the special fund established to pay the Federal Government for the employer share of the Medicare costs chargeable to the Town, and determine whether to meet said appropriation by taxation, by transfer from available funds, by borrowing, by a combination thereof, or act in any way relating thereto.

TOWN ACCOUNTANT

FINANCE COMMITTEE RECOMMENDATION:

This Article authorizes the Town to raise the funds necessary to pay the Town's share of Medicare costs.

The Finance Committee recommends approval.      Vote: 7-0-0

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ARTICLE 10

To see if the Town will vote to raise and appropriate a sum of money to be added to the Special Fund established to be paid to the Federal Government for the employer's share of the Social Security costs chargeable to the Town, and determine whether to meet said appropriation by taxation, by transfer from available funds, by borrowing, by a combination thereof, or act in any way relating thereto.

TOWN ACCOUNTANT

FINANCE COMMITTEE RECOMMENDATION:

This Article authorizes the Town to raise the funds necessary to pay the Town's share of Social Security costs.

The Finance Committee recommends approval.      Vote: 6-0-1

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ARTICLE 11

To see if the Town will vote to raise and appropriate a sum of money for the purpose of services to perform an Annual Audit of Accounts of the Town of Sharon for the fiscal year 1992 in accordance with Chapter 44, Section 40, of the

General Laws of the Commonwealth, and to determine whether to meet said appropriation by taxation, by transfer from available funds, by a combination thereof, or act in any way relating thereto.

TOWN ACCOUNTANT

FINANCE COMMITTEE RECOMMENDATION:

This Article authorizes the expenditure of approximately \$28,000 to pay for the Town's independent accountants to perform a mandatory annual fiscal audit for the year ending June 30, 1992.

The Finance Committee recommends approval. Vote: 7-0-0

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ARTICLE 12

To see if the Town will vote to raise and appropriate a sum of money for the purchase of additional departmental equipment, for the cost of architectural services for plans and specifications for additions and remodeling of the Fire House, and for remodeling, reconstructing or making extraordinary repairs to the Fire House for the Fire Department; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

FIRE DEPARTMENT

FINANCE COMMITTEE RECOMMENDATION:

This Article allows the Town to borrow \$395,000 for the following projects:

- a. \$340,000 - aerial ladder truck.
- b. \$ 50,000 - renovations to the front of the Fire Station.
- c. \$ 5,000 - roof repairs to the rear of the Station.

This new truck will replace our 1957 ladder truck and meet current standards and Town requirements. The proposed renovations will add a higher section to the front of the Fire Station, enabling the building to house this and future standard, noncustomized vehicles.

The Finance Committee recommends approval. Vote: 9-0-0

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ARTICLE 13

To see if the Town will vote to raise and appropriate a sum of money for the remodeling, reconstructing, and making extraordinary repairs to Town Hall, for constructing and reconstructing curbs and for the purchase of additional

departmental equipment for the Public Works Department; to determine whether this appropriation shall be raised by borrowing or to otherwise; or to take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

FINANCE COMMITTEE RECOMMENDATION:

This Article allows the Town to borrow funds for the following projects:

- a. \$225,000 - curb and sidewalk construction. This proposes \$200,000 for curb and sidewalk construction to Mountain Street to allow safe passage to walking students. Curbing will also be installed along Woodland Street to facilitate walkers from Pond Street to Cottage Street School.
- b. \$55,000 - vehicle replacement - Includes \$20,000 for a utility vehicle for the Engineering Department to replace a well used and worn 1982 vehicle; and \$35,000 to replace a 1979 backhoe/loader.
- c. \$60,000 - to purchase and install an inclined wheelchair lift and perform minor modifications to render Town Hall accessible to the disabled per Federal requirements.
- d. \$25,000 - to pay for the cost of Town bonding for all borrowed funds.

The total of the above projects is \$365,000. However, there are completed previous projects for which we have remaining balances due to actual costs coming in at less than the original estimates and borrowing. These now unobligated funds can legally be applied to similar projects. By closing out various past accounts in the total of \$68,000 this borrowing can be reduced to \$297,000.

The Finance Committee recommends approval. Vote: 8-0-1

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ARTICLE 14

To see if the Town will vote to raise and appropriate a sum of money for the remodeling, reconstructing, and making extraordinary repairs to public school buildings, for asbestos removal in school buildings, for the redesign and reconstruction of public school recreational and athletic facilities, for the cost of engineering and architectural services, for the development, design, purchase, and installation of computer hardware and other data processing equipment, and for the purchase of additional departmental equipment for the School Department; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

This Article allows the Town to borrow funds for the following projects.

- a. \$114,000 - asbestos removal in accordance with a long-range and on-going plan. Work includes storage areas at Cottage and the maintenance tunnels at Cottage and Heights.
- b. \$55,000 - replacement of the High School bleachers for safety purposes.
- c. \$10,000 - a working study designed to address the water-related problems at the High school gym and athletic facilities according to plans from a private engineering firm and the Town Engineer.
- d. \$30,000 - computer system linking all schools to Administration and various offices within the schools.
- e. \$26,000 - resurfacing the play area at Heights to complete the resurfacing program at all elementary schools.
- f. \$21,000 - purchase of elementary classroom furniture for new classes and as replacements.
- g. \$6,000 - repair of the Middle School gym divider to better facilitate the large numbers of students.
- h. \$20,000 - to allow for the design, cost estimates and bid specifications for the Chemistry, Biology and Physics labs at the High School. These labs are in need of safety improvements and a design for better instructional use.
- i. \$10,000 - to allow for the design, cost estimates and bid specifications in order to convert the High School Industrial Arts and related space into a centralized Kindergarten area. This is designed to meet a space need.
- j. \$10,000 - to allow for the design, cost estimates and bid specifications to convert the metal shop at the Middle School into classroom space to accommodate the expected additional classes.

The total cost of the above projects is \$302,000. However, there are completed previous projects for which we have remaining balances due to actual costs coming in at less than the original estimates and borrowing. These now unobligated funds can legally be applied to similar projects. By closing out various past accounts in the total of \$167,000, this borrowing can be reduced to \$135,000.

The Finance Committee recommends approval. Vote: 6-2-1

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#### ARTICLE 15

To see if the Town will vote to raise and appropriate a sum of money for the development, design, purchase, and installation of computer hardware and the development, design, and purchase of computer software for the Data Processing



Department; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

DATA PROCESSING DEPARTMENT

FINANCE COMMITTEE RECOMMENDATION:

The need for a new computer system for Town Hall has been outlined by the Computer Study Committee. However, it has been agreed by that Committee and the Capital Outlay Committee that, due to the limit of Town finances, this expenditure can be postponed for at least a year.

The Finance Committee recommends indefinite postponement.

Vote: 7-0-0

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ARTICLE 16

To see if the Town will vote to raise and appropriate a sum of money for remodeling, reconstructing, and making extraordinary repairs to the Community Center, for reconstructing recreational and athletic facilities, and for the purchase of departmental equipment for the Recreation Department; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

RECREATION DEPARTMENT

FINANCE COMMITTEE RECOMMENDATION:

This Article allows the Town to borrow \$45,000 for the following projects:

- a. \$25,000 for the continuing effort to maintain the Community Center; specifically, to replace the rear stairs and deck for safe egress, refinish and repair wood floors and to regrade and extend the handicap ramp to meet Federal regulations.
- b. \$10,000 to purchase equipment - flotation units and rescue boards for the lake, picnic tables and two sailboats.
- c. \$10,000 for site improvements to athletic facilities, the exercise trail and skating rink at Deborah Sampson Park.

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 17

To see if the Town will vote to raise and appropriate a sum of money for the purchase of additional departmental equipment for the Animal Control Officer;

to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

ANIMAL CONTROL OFFICER

FINANCE COMMITTEE RECOMMENDATION:

It is felt that the present vehicle can be maintained and the purchase of a new one be postponed.

The Finance Committee recommends indefinite postponement.

Vote: 7-0-0.

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ARTICLE 18

To see if the Town will vote to raise and appropriate a sum of money for the purchase of additional departmental equipment for the Police Department; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

POLICE DEPARTMENT

FINANCE COMMITTEE RECOMMENDATION:

Our Police Chief will be retiring this year. It is felt to be prudent to delay action on this proposal for an additional motorcycle and a new computer system until input from the new Chief can be received.

The Finance Committee recommends indefinite postponement.

Vote: 4-3-1

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ARTICLE 19

To see if the Town will vote to raise and appropriate a sum of money for the cost of engineering or architectural services for the Planning Board with respect to public access road or water system improvements in the Route One corridor; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

This Article would allow the Town to borrow \$10,000 to have engineering and related studies performed toward the goal of accommodating additional commercial and industrial development along the Route 1 corridor.

The Finance Committee recommends approval. Vote: 4-2-1

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ARTICLE 20

To see if the Town will vote to raise and appropriate a sum of money for the payment of charges incurred under contracts authorized for the expert appraisal of taxable property; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

BOARD OF ASSESSORS

FINANCE COMMITTEE RECOMMENDATION:

Article 21 of the 1990 Annual Town Meeting provided the borrowing of \$75,000 for contract services for the 1992 State-mandated revaluation of property. The State advised the Town late in this process that we would be required to hold public hearings due to the implementation of our new revaluation and data inspection system. This \$5,000 borrowing will allow us to meet a contract obligation.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 21

To see if the Town will vote to raise and appropriate a sum of money for the purposes of paying previous fiscal years School Department bills not previously paid, and determine whether the money should be provided by taxation, by transfer from available funds, or by a combination thereof, or act in any way relating thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

The purpose of this Article is to pay \$4,476.51 of School Department bills from prior fiscal years which have not yet been paid. The Finance Committee urges all Town Departments to work with the Town Accountant and to anticipate bills so that this type of article is not needed. However, sometimes it is not possible to anticipate bills. Because money is being expended for prior fiscal years, this Article requires a 9/10ths positive vote to pass.

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 22

To see if the Town will vote to raise and appropriate an additional sum of money to be added to the amount authorized under Article 21 of the Annual Town Meeting of May 1990, for the updating of all property assessments for Fiscal

1992, in accordance with the General Laws of Massachusetts, Chapter 59, Section 38; to determine whether this appropriation shall be raised by borrowing or otherwise or to take any other action relative thereto.

BOARD OF ASSESSORS

FINANCE COMMITTEE RECOMMENDATION:

The intent of this Article has been dealt with in Article 20. No further action is necessary.

The Finance Committee recommends indefinite postponement.  
Vote: 8-0-0

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ARTICLE 23

To see if the Town will vote to accept the provisions of G. L. ch. 40, Sec. 22F, and authorize any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, to, from time to time, fix reasonable fees for all such licenses, permits or certificates issued pursuant to statutes, or take any other action related thereto.

TOWN TREASURER

FINANCE COMMITTEE RECOMMENDATION:

Passage of this Article would allow the appropriate Town authority to set or adjust fees for such licenses or permits as applicable to better reflect the Town's cost of services. This Article does not include sewer and betterment fees, liquor license and health care service fees and fees not paid in their entirety to Sharon. At present, these fees require Town Meeting approval.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 24

To see if the Town, under chapter 44 section 53C of the Massachusetts General Laws, will vote to establish a fee, not to exceed ten percent of the cost of services authorized under said section. For work performed by one of the Town's employees on an off-duty work detail which is related to such employees's regular employment or for special detail work performed by persons where such detail is not related to regular employment or take any action related thereto.

BOARD OF SELECTMEN



FINANCE COMMITTEE RECOMMENDATION:

The companion to this Article was passed a few years ago allowing the Town to pay off-duty Town employee services directly and be reimbursed by the individual contractor. This Article will allow the Town to charge an additional 10% to cover administrative costs that are incurred by the off-duty work program.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 25

To see if the Town will vote to accept Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which authorizes additional real estate exemptions be granted to persons who qualify for property tax exemptions under Clauses 17, 17C, 17C 1/2, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5 of Chapter 59 in an amount equal to 100% or such lesser uniform percentage as approved by the Town, to be effective for the fiscal year beginning July 1, 1992 and ending June 30, 1993 or take any other action relative thereto.

VETERANS AGENT

FINANCE COMMITTEE RECOMMENDATION:

At recent Town Meetings the Finance Committee has recommended indefinite postponement of this Article, based upon the need to preserve the Town's revenue. Town Meeting has supported this Article which allows additional exemptions from property taxes for certain qualified citizens. In an attempt to preserve Town finances and still afford the qualified citizens some relief from property taxes, the Finance Committee recommends acceptance of this Article at a rate of 60% rather than 100%.

The Finance Committee recommends approval.      Vote: 6-0-2

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ARTICLE 26

To see if the Town will vote to raise and appropriate a sum of money and to authorize the Board of Selectmen to enter into an intermunicipal agreement with one or more other cities or towns to provide for the scheduling, use, maintenance and repair of a mechanical screening plant, or other matters pertaining thereto. Said agreement shall be on such terms and conditions as the Board of Selectmen deem appropriate, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION;

Favorable action on this Article will formalize a verbal agreement between Sharon and nine other towns to purchase and maintain a mechanical screening plant with which to screen and compost organic debris no longer disposable by ordinary means. The \$3,900 cost will come from the Recycling Revolving Account. The DPW has taken a positive step toward intermunicipal cooperation.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement or agreements during the ensuing fiscal year with one or more governmental units to perform jointly or for such other unit any service, activity or undertaking which the Town of Sharon is authorized by law to perform, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article seeks broad approval for future facilitation of intermunicipal and cooperative agreements. It is a step toward developing regionalization in order to maximize opportunities otherwise too costly to the Town.

The Finance Committee recommends approval.      Vote: 8-0-0

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ARTICLE 28

To see if the Town will vote to raise and appropriate the sum of Thirty Thousand Dollars from general revenue, to enable the Planning Board to engage professional consultants to perform engineering, planning, and related studies to enhance commercial and industrial development in the Route 1 corridor and to determine whether to meet said appropriation by taxation, by borrowing, by transfer from available funds, or to act in any way relating thereto.

Studies authorized hereby include, but are not limited to, access and traffic circulation, sewage collection and treatment, water supply and distribution, Town regulations, and marketability.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Article 19 authorized funds for the same purpose.

The Finance Committee recommends indefinite postponement.  
Vote: 7-0-0

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ARTICLE 29

To see if the Town will vote to amend the Zoning Bylaws to encourage commercial and industrial development or to act in any way relating thereto.

Amend Section "2331. Light Industrial Uses:" by inserting after paragraph (1) the following:

- (m) Retail.
- (n) Restaurants and catering.
- (o) Medical and dental offices and laboratories; medical and dental and clinics for outpatients.
- (p) Medical and dental clinics for outpatients.

Amend Section "2332. Other Permitted Uses:" by inserting after paragraph (b) the following:

- (c) Business services supporting businesses located in the district.

Amend Section "2334. Uses and Accessory Allowed on Special Permit (from the Board of Appeals except as noted):" by deleting paragraph "(a) Retail sale of goods...nature of such goods to be sold" and by redesignating paragraphs "(b) through (f)" as paragraph "(a) through (e)," respectively.

Delete Section "2470. Light Industrial District Requirements." in its entirety and replace it with the following:

- 2470. Light Industrial District Requirements.
- 2471. Minimum Lot Area: Forty thousand (40,000) square feet.
- 2472. Minimum Lot Width: One hundred fifty (150) feet.
- 2473. Maximum Lot Coverage: Sixty (60) Percent.
- 2474. Minimum Landscaped Open Space Coverage: Twenty (20) Percent of the Lot area.
- 2475. Building Location:
  - (a) Minimum Street Setback: Seventy-five (75) feet to the sideline or one hundred (100) feet to the centerline of any street or way, excepting freeways

(b) Minimum setback to freeways classified as limited access by the Massachusetts Department of Public Works: Thirty (30) feet to the sideline or one hundred (100) feet to the edge of pavement.

(c) Minimum Setback from the boundary of any residential District, from the lot line of any lot in residential use: One hundred feet, of which the fifty feet closest to said line shall be maintained in landscaping sufficient to provide an effective screen.

(d) Minimum Setback from side or rear lot lines: thirty (30) feet.

(e) Minimum separation between buildings on the lot: ten (10) feet.

2476. Building Height: Not to exceed four (4) stories or eighty (80) feet.

Delete Section "3130. Light Industrial District Parking Requirements." and replace it with the following:

3130. Light Industrial District Parking Requirements.

Off street parking and loading may be constructed at grade or within structures and shall conform to minimum standards as follows.

3131. Number of Parking Spaces Required:

(a) A minimum of four parking spaces shall be provided per one thousand square feet of gross floor area or part thereof in office, financial, institutional, municipal building, and retail use, including Accessory Uses incidental to the foregoing; and in all other uses not specifically enumerated.

(b) A minimum of three parking spaces shall be provided per one thousand square feet of gross floor area or part thereof in other light industrial use, including incidental Accessory Use.

(c) A minimum of one parking space shall be provided per one thousand square feet of gross floor area or part thereof in warehouse use, including incidental Accessory Use.

3132. Parking Design Requirements: The location of parking, the design of parking spaces and isles, and the location and width of curb cuts shall be as required in Business A and Professional Districts.

3133. Requirements for Off Street Loading:



(a) A minimum of one (1) loading bay shall be provided for each 40,000 square feet of gross floor area or part thereof in office, financial, institutional, municipal building, retail, light industrial, or other non residential use.

3134. Loading Design Requirements:

(a) Loading bays shall measure at least sixty five (65) feet long and twelve (12) feet wide.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

The Planning Board, through public meetings with businessmen in the Route 1 (Providence Highway) area, has sought to address the concerns of the industrial community. The by-law changes presented in this Article ease some restrictions on development regarding lot size and usage based on these earlier meetings. No changes are made in conservation rules by this by-law.

The Finance Committee recommends approval. Vote: 7-0-0.

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ARTICLE 30

To see if the Town will vote to amend the Zoning Bylaws to provide for conservancy lots or to act in any way relating thereto.

Delete Section "2412. Lot Width" and replace it with a new Section "2412. Lot Width and Frontage" as follows:

2412. Lot Width and Frontage:

(a) Lot width shall be measured parallel to the street line at the required minimum street setback line.

(b) Each lot shall have frontage on a Street or Way, such frontage shall measure not less than two-thirds (2/3) of the required minimum lot width. Each lot shall have its primary means of access onto said Street or Way. The principal means of access for residential lots shall be through said frontage.

(c) In any residential district, the minimum frontage and the minimum lot width may be reduced to 25 feet provided that the lot conforms to each of the following:

(1) Contiguous lots having reduced lot frontage as provided by this Section shall not be maintained in common ownership.

(2) The minimum street setback shall be increased by 100 feet over the minimum street setback otherwise required by all other provisions of this Bylaw.

(3) The minimum setback from side lot lines and the minimum setback from rear lot lines shall be increased over the setbacks otherwise required by all other provisions of this Bylaw as follows: in Single Residence A and Suburban 1 Districts by one hundred twenty-five (125) feet additional, in Single Residence B and General Residence Districts by seventy-five (75) feet additional, in Rural 1 and Suburban 2 Districts by one hundred fifty (150) feet additional, and in Rural 2 District by two hundred (200) feet additional.

(4) The minimum lot area shall be increased by one hundred percent (100) over the lot area otherwise required by all other provisions of this Bylaw.

#### PLANNING BOARD

#### FINANCE COMMITTEE RECOMMENDATION:

The Planning Board is seeking to encourage less dense development. This Article allows lot width and frontage to be reduced if overall lot size is doubled. The net effect of this Article is give the developer an incentive of less regulation in order to produce a lower density development.

The Finance Committee recommends approval. Vote: 7-0-0.

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#### ARTICLE 31

To see if the Town will vote to amend Article 14, Section 1 of the Town's General By-Laws as follows:

1. By correcting the "None" contained in Section 1 to read as follows:

"Note" Subsequent revision of Chapter 41 G.L. Section 81-A provides that "members of the planning board under this section shall be elected or appointed for terms of such lengths and so arranged that the term of at least one member will expire each year and their successors shall be elected or appointed for terms of three or five years each as determined by ... the town meeting".

2. By adding the following new sentence at the end of Section 1:

Commencing with the annual election of May, 199\_, as the terms of the existing members of the planning board expire, successor members of the planning board shall be elected for terms of three (3) years each.

Or take any other action relative thereto.

GOVERNMENT STUDY COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

The intent of the Government Study Committee is to shorten the length of term of the Planning Board members from five years to three years. The Finance Committee believes in the current five year term, due to the complexities of laws to be studied and issues to be decided upon.

The Finance Committee recommends indefinite postponement.

Vote: 4-3-0

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ARTICLE 32

To see if the Town will vote to authorize the Board of Selectmen to purchase, take by eminent domain, or otherwise acquire, for the purpose of widening and improving Mountain Street, and installing sidewalks, or for any other municipal purpose, an easement or easements, permanent or temporary, or in fee, the following parcels of land:

Parcel One: A parcel of land at #2 Sherwood Court bounded and described as follows:

Beginning at a point on said Mountain Street and thence running N 85°-16'-51"W for a distance of 10 feet, thence turning and running parallel to Mountain Street a distance of 95 feet±, thence turning and running N 85°-16'-51"W for a distance of 10 feet, thence turning and running parallel to Mountain Street, 95 feet±, thence turning and running S 85°-16'-51"E for a distance of 20 feet, thence running along Mountain Street for a distance of 183.63 feet to the point of beginning.

Parcel Two: A parcel of land at #160 Mountain Street bounded and described as follows:

Beginning at a point on said Mountain Street and thence running N 85°-16'-51"E for a distance of 20 feet, thence turning and running S 11°-53'-28"W for a distance of 80 feet, thence turning and running S 80°-42'-27"W for a distance of 5 feet±, thence turning and running S 11°-53'-28"W for a distance of 103 feet±, thence turning and running S 80°-42'-27"W for a distance of 15 feet±, thence turning and running parallel to Mountain Street N 11°-53'-28"W for a distance of 141.15 feet and 50 feet, to the point of beginning.

Parcel Three: A parcel of land at #158 Mountain Street, bounded and described as follows:

Beginning at a point on Mountain Street and running N 80°-42'-27"W for a distance of 16 feet±, thence turning and running S 11°-53'-28"W for a distance of 15 feet±, thence turning and running S 18°-10'-50"W for a distance of 41 feet, thence turning and running N 71°-49'-10"E for a distance of 15 feet, thence turning and running along Mountain Street N 18°-10'-50"W for a distance of 42.11 feet and N 11°-53'-28"W for a distance of 8 feet to the point of beginning.

Each of said parcels are as more particularly described on sketch plans on file with the Town Clerk.

And to raise and appropriate, transfer from existing funds, or borrow a sum of money for said purposes.

Or act in anyway relating thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article may be necessary in order to complete the Mountain Street sidewalk program.

The Finance Committee recommends approval. Vote: 8-0-1

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#### ARTICLE 33

To see if the Town will vote to establish a revolving fund to be known as the School Bus Revolving Fund in accordance with the provisions of G. L. Ch 44, Section 53E 1/2, or act in any way related thereto.

The purpose of this fund shall be to support the fee-based student transportation system established for those students not eligible for free transportation. Receipts to be deposited to this fund shall be monies collected from parents and guardians of students who are not eligible for free transportation and who wish to purchase school bus transportation. The Superintendent of Schools, with the approval of the School Committee, shall be authorized to expend from the fund. Expenditures in Fiscal Year 1993 shall not exceed the balance in the fund carried forward from Fiscal Year 1992 plus monies deposited into the fund during FY 1993 and in any event shall not exceed \$130,000.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

This Article along with Articles 36, 37 and 38 has been approved by previous Town Meetings and is required by State law to be reapproved annually.

The Finance Committee recommends approval. Vote: 7-0-1

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#### ARTICLE 34

To see if the Town will vote to establish a revolving fund to be known as the Cable Oversight Committee Fund in accordance with the provisions of General Laws Chapter 44, sec. 53E½.

The purpose of this fund is to finance the activities of the Cable Oversight Committee which has the responsibility of monitoring the provisions of the license between the Town of Sharon and Cablevision Industries, Inc., as well as preparing for future cable relicensing. Receipts to be deposited to this fund shall be solely derived from the annual proceeds received by the Town in calendar 1993 from Cablevision Industries, Inc., or its successor, under Section 27 - License Fee, required by the Final License dated 10/27/83, as amended. This section requires that to the extent available by Chapter 166A of the General Laws of Massachusetts, and permitted by Federal Communication Commission regulation, 50 cents per subscriber be forwarded to the Town annually. It is anticipated that only a small portion will be used as annual Committee expenses. Any unused balance shall, subject to subsequent Town Meeting authorization, carry forward for the benefit of Sharon cable subscribers to cover any costs incurred at the time of license renewal.

The Committee is limited to spend no more than the license proceeds of \$1,800 per year.

The Chairman of the Cable Oversight Committee by majority vote of that Committee, and with the approval of the Board of Selectmen, shall have the authority to expend from this fund.

Or act in any way related thereto.

#### CABLE OVERSIGHT COMMITTEE

#### FINANCE COMMITTEE RECOMMENDATION:

This Article asks to establish a revolving fund to finance the activities of the Cable Oversight Committee. It seeks to use the license fee of fifty cents per subscriber that is currently paid to the Town by Cablevision.

The Finance Committee recognizes and appreciates the efforts of that committee, but feels that since cable negotiations will not begin until at least 1996, two years before relicensing, this Article is premature and would serve only to unnecessarily draw funds from the General Fund.

The Finance Committee recommends indefinite postponement. Vote: 8-0-0

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ARTICLE 35

To see if the Town will vote to establish a revolving fund to be known as the Library Materials Replacement Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E 1/2.

The purpose of this fund shall be to acquire equivalent Public Library materials to replace items lost by those who borrow such materials. Receipts to be deposited in this fund shall be monies paid by the borrowers of the lost materials. Such monies represent the replacement cost of the material. The Library Director, with the approval of the Library Board of Trustees, shall be authorized to expend from this fund. Expenditures in Fiscal Year 1993 shall not exceed receipts into the fund and in any case shall not exceed \$1,500.

Or act in any way related thereto.

LIBRARY BOARD OF TRUSTEES

FINANCE COMMITTEE RECOMMENDATION:

This Article would establish a revolving fund allowing the Library to keep funds collected for lost books for the purpose of replacing them with equivalent materials. Since the Library receives only a small fraction of these collected funds, it is currently unable to purchase most replacements, thereby having current inventory dwindle.

The Finance Committee recommends approval.     Vote: 8-0-0

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ARTICLE 36

To see if the Town will vote to reauthorize a revolving fund first established for fiscal year 1991 known as the Recycling Fund as provided by General Laws, Chapter 44, Section 53E4.

The purpose of this fund is to support the recycling program of the Town of Sharon and to purchase shade trees to be planted in the public ways of the Town and otherwise as provided for in Section 7, Chapter 87 of the General Statutes. Receipts to be deposited to this fund shall be monies derived from the sale of recycled materials including, but not limited to, newspaper, glass, metals and plastics, and an amount equal to the number of tons of material recycled times the Tipping Fee at the SEMASS facility to be transferred from the Tipping Fee Escrow Fund. The Superintendent of Public Works, with the approval of the Board of Selectmen, shall be authorized to expend from this fund. Expenditures in Fiscal Year 1993 shall not exceed the balance in the fund carried forward from Fiscal year 1992 plus monies deposited into the fund during Fiscal Year 1993 and in any event shall not exceed \$30,000.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article reauthorizes a revolving fund supporting a recycling program and the planting of shade trees. The fund will be created out of monies from the sale of recycled material.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 37

To see if the Town will vote to reauthorize a revolving fund first established for fiscal year 1992, known as the Special Waste Disposal Fund as provided by General Laws, Chapter 44, Section 53E½.

The purpose of this fund is to support the disposal of certain special wastes generated by the citizens of Sharon including, but not limited to, batteries, tires and used motor oil which are materials not accepted at the SEMASS facility. Receipts to be deposited to this fund shall be monies derived from fees charged residents for the disposal of materials at the Department of Public Works yard. The Superintendent of Public Works, with the approval of the Board of Selectmen, shall be authorized to expend from this fund. Expenditures from this fund in Fiscal Year 1993 shall not exceed the balance in the fund carried forward from Fiscal Year 1992 plus monies deposited into the fund in Fiscal Year 1993 and in any event shall not exceed \$5,000.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article reauthorizes the Special Waste Disposal Fund designed to subsidize the disposal of wastes listed above which are not permitted in regular trash disposal.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 38

To see if the Town will vote to reauthorize a revolving fund first established for Fiscal Year 1992, known as the Street Opening Fund as provided by General Laws, Chapter 44, Section 53E½.

The purpose of this fund is to defray the cost of making permanent repairs to openings in Town streets by utility companies, contractors and/or the Town Water Division.

Receipts to be deposited in this fund shall be monies paid by utility companies, contractors and/or the Water Division in accordance with the requirements of the Town of Sharon Street Opening Manual. The Superintendent of Public Works, with the approval of the Board of Selectmen, shall be authorized to expend from this fund. Expenditures in Fiscal Year 1993 shall not exceed the balance in the fund carried forward from Fiscal Year 1992 plus monies deposited into the fund in Fiscal Year 1993 and in any event shall not exceed \$70,000.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article reauthorizes a revolving fund supporting the maintenance and repair of street openings and cuts created by utilities, developers and the Town Water Division. This fund is created out of monies paid by those utilities, developers and the Town Water Division.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 39

To see if the Town will vote to authorize the Board of Selectmen and/or the Conservation Commission to reconvey to Jolin Construction Company, Inc., a Massachusetts corporation duly organized under the laws of the Commonwealth of Massachusetts and having its usual place of business at 181 Washington Street, Dedham, Norfolk County, Massachusetts, its successors or assigns or any parties claiming by, through or under Jolin Construction Company, Inc., a parcel of land, being a portion of a parcel of land located in Sharon, Massachusetts, conveyed to them and presently under the control of the Conservation Commission. Said property is recorded in the Norfolk Registry of Deeds by deed dated May 18, 1977 in Book 5384, page 443, and is more particularly described as follows:

Beginning at a point on Eisenhower Drive running:

- SOUTHERLY by lot 99 two hundred fourteen <sup>08</sup>/<sub>100</sub> (214.08) feet thence turning and running;
- EASTERLY fifty one <sup>14</sup>/<sub>100</sub> (51.14) feet more or less thence turning and running;
- NORTHERLY two hundred four <sup>60</sup>/<sub>100</sub> (204.60) feet thence turning and running;
- WESTERLY by Eisenhower Drive fifty (50) feet more or less to the point of beginning

Being a portion of the land shown as Lot C, Eisenhower Drive on a plan entitled "A Subdivision in Sharon, Massachusetts, Townsman Estates Section III" dated January 12, 1977 (amended April 19, 1977 and February 14, 1977) by Pilling Engineering Company, Inc., recorded with Norfolk Registry of Deeds as Plan No. 484 (A to F inclusive) of 1977 in Plan Book 261.

Further, to see if the Town will authorize the Board of Selectmen, and/or the Conservation Commission, to Petition the General Court of the Commonwealth of Massachusetts, and the Secretary of Environmental Affairs, and/or such other State agencies or officials as may be appropriate to permit such reconveyance.

In consideration of the above conveyance Jolin Construction Company, Inc. shall convey to the Sharon Conservation Commission the following described premises:

Beginning at a point on Eisenhower Drive and running:

SOUTHERLY	by lot 98A distance of one hundred ninety one <sup>59</sup> / <sub>100</sub> (191.59) feet to a point then turning and running;
EASTERLY	fifty <sup>14</sup> / <sub>100</sub> (50.14) feet to a point thence turning and running;
NORTHERLY	by lot 97 a distance of one hundred eighty nine <sup>96</sup> / <sub>100</sub> (189.96) feet to a point then turning and running;
WESTERLY	by Eisenhower Drive a distance of fifty (50) feet to the point of beginning.

Said premises are conveyed subject to and with the benefit of any and all restrictions, easements and encumbrances of record insofar as the same may be in force and applicable and to a twenty (20) foot drain easement as shown on a plan of land in Sharon, Massachusetts, Pilling Engineering Company, Inc., dated March 11, 1982, filed as Plan No. 409 of 1982, recorded in Norfolk Registry of Deeds, Book 6008, Page 428.

For title to said premises, see deed from Davmar Inc., a Massachusetts Corporation dated September 12, 1990 and recorded with Norfolk Registry of Deeds in Book 8740, Page 120.

Or act in anyway related thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Planning Board in a Form A plan moved a conservation easement for drainage on a lot on which a residence was then constructed. Unfortunately permission from the State to convey conservation land was not obtained,

thereby clouding the title of this property. This Article rectifies that situation.

The Finance Committee recommends approval. Vote: 6-0-1

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ARTICLE 40

To see if the Town will vote to raise and appropriate a sum of money for use by the Wilber School Reutilization Study Committee for architectural, engineering environmental assessment, marketing, planning or other studies and/or to meet committee expenses, to be added to the existing Wilber School Reutilization Account, or take any action relative thereto.

BOARD OF SELECTMEN & WILBER/INTERMEDIATE  
SCHOOL REUTILIZATION COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

Passage of this Article would authorize the expenditure of \$2,500 to prepare another Request for Proposal on the Wilbur School. Due to current economic conditions the Finance Committee recommends indefinite postponement.

The Finance Committee recommends indefinite postponement.  
Vote: 5-3-0.

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ARTICLE 41

To see if the Town will vote to accept Section 18 of Chapter 32B of the General Laws, to wit:

Shall the Town require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the Town?

Or act in any way related thereto.

TOWN TREASURER

FINANCE COMMITTEE RECOMMENDATION:

While the Finance Committee believes that the Town may reap some lower health care costs as a result of this Article, the full implications for the Town and all potential retirees and their families have not been fully determined. These questions are under further review and a recommendation will be provided at Town Meeting.

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ARTICLE 42

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to enter into a compensating balance agreement or agreements pursuant to Chapter 44, Section 53F of the General Laws.

Or act in any way relating thereto.

TOWN TREASURER

FINANCE COMMITTEE RECOMMENDATION:

Passage of this Article will allow the Town to negotiate with its banks to enter into compensating balance agreements which will reduce the cost of banking services.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 43

To see if the Town will vote to authorize the Board of Selectmen to accept pursuant to Chapter 40, Sec. 3 of Mass. General Laws, a gift of three parcels of land described below.

Each of such parcels is owned by the Barletta Co., Inc. a Massachusetts corporation and is located on the westerly or northwesterly side of Mohawk Street and consist of 0.81 acres, 4.44 acres, and 5.25 acres, all more or less, respectively.

Such conveyance acceptance will authorize the abatement of \$906.34 in unpaid fiscal 1992 real estate taxes on such property, or take any other action relative thereto.

Said three parcels are more particularly described as follows:

Parcel One:

That certain parcel of land situated in Sharon in the County of Norfolk, Massachusetts, being shown on a plan entitled "A Plan of the Burkhardt Estate in Sharon Surveyed July 1905 by Frederic Endicott" and bounded and described as follows:

A parcel triangular in form, situated on the northwesterly side of Mohawk Street, and bounded beginning at a stone bound on the northwesterly side of said Mohawk Street at a corner of other land now or formerly of Trayers and thence running N. 23 04' E. by said other land of Trayers two hundred fifty-eight and twenty seven hundredths (258.27) feet to a stone bound at a corner of said other land of Trayers; thence turning and running southeasterly by land now or formerly of the Boston Ice Co. about one hundred six (106) feet to a stake on the northwesterly side of said Mohawk Street about two hundred and

thirty-one (231) feet from the point of beginning; thence turning and running southwesterly on said Mohawk Street about two hundred and thirty-one (231) feet to the point of beginning.

This parcel is the first of two parcels conveyed by deed of the Boston Ice Company and recorded in Norfolk County Registry of Deeds Lib. 1467 Fol. 352 Sept. 11, 1920.

For grantor's title see deed of Dennis G. Trayers Jr. and John P. Trayers dated December 27, 1973 and recorded with Norfolk deeds, Book 5007, Page 420.

#### Parcel Two

One parcel of land in Sharon, Westerly of Mohawk Street known as the Ellen Ide Kenney Lot, lying Easterly of the Boston and Providence R. R. Said parcel being shown and described as such on a plan filed October 27, 1905 with Norfolk County Registry District of the Land Court, Registration Book 2, Page 219.) (More particularly see part described as Plan 1191A).

For Grantor's title, see Deed of Stanley W. Powers to Grantor dated December 4, 1971 recorded with Norfolk Deeds, Book 5094, Page 712.

#### Parcel Three

That certain parcel of land in Sharon in the County of Norfolk and said Commonwealth, bounded and described as follows:

NORTHWESTERLY	by land now or formerly of Boston and Providence R. R. Co., two hundred fifty one (251) feet;
NORTHEASTERLY	by land now or formerly of Ellen Ide Kenney, eight hundred sixty six and 67/100 (866.67) feet; and
SOUTHEASTERLY	by land now or formerly of Boston Ice Co., two hundred fifty eight and 27/100 (258.27) feet; and
SOUTHWESTERLY	by land now or formerly of William Tamplin et al, eight hundred fifty four and 71/100 (854.71) feet.

Said parcel is shown as Lot A on a plan drawn by Frederic Endicott, Surveyor, dated July 1905, as approved by the Land Court, filed in the Land Registration Office as No. 1191A, a copy of a portion of which is filed in Norfolk Registry District with Certificate No. 219, Book 2.

For Grantor's title see Transfer Certificate of Title, Book 486, Page 94, No. 97094.

This conveyance is given as a gift from the Barletta Co., Inc., to the Inhabitants of the Town of Sharon.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Passage of this Article will allow the Town to accept possession of several lots of land off Mohawk Street from the Barletta Corporation. As part of the agreement, the Town will abate any outstanding real estate taxes on the property. In a subsequent Article, the Selectmen will transfer part of this land to the Conservation Commission. If this Article fails, then Article 48 should be indefinitely postponed.

The Finance Committee recommends approval. Vote: 7-0-0

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ARTICLE 44

The undersigned, being ten registered voters residing in the Town of Sharon, hereby submit this petition:

To see if the Town will vote to amend the General Bylaws by adding a new article as follows:

Regulation of Excessive Noise

Section 1. Noise and Vibration Control.

Purpose. Pursuant to the authority conferred upon the Town by Chapter 40, Section 21 of the Massachusetts General Laws, the following is adopted for the regulation and restriction of unnecessary, excessive and annoying noise and vibration in the Town of Sharon. It is declared to be the policy of the Town of Sharon to prohibit such noise and vibration from or by all sources as set forth in this bylaw. Because it has been determined that certain noise levels and vibrations are detrimental to the public health, welfare, safety and convenience as well as contrary to the public interest, these standards have been set forth by the Town of Sharon to declare that creating, maintaining, causing or allowing to be created any noise or vibration in a manner prohibited by or not in conformance with these standards, is a public nuisance punishable as set forth in this bylaw.

Section 2. Definitions.

The terms used in this bylaw shall be defined as follows:

Ambient Noise Level--The all-encompassing noise level associated with a given environment, excluding any alleged condition of noise pollution.

A-Weighted Sound Level--The sound pressure measured on a sound level meter using the A-weighting network. The level read is designated DB(A) or DBA.

Business--A business area is any area included within a Business A, B or C district under the Sharon Zoning Bylaw. It does not include any area within a district zoned for residential purposes under the Zoning Bylaw as herein

defined, regardless of whether the area is being lawfully used or is available for such use through a variance granted by the Board of Appeal, or through a nonconforming use or by any other means.

Construction--Any site preparation, assembly, erection, substantial repair, alteration, or similar action (demolition excluded), for or of public or private rights-of-way, structures, utilities or similar property.

Daytime--The time between the hours of seven ante meridian (7A.M.) and six post meridian (6 P.M.) each week day excepting Sunday in accordance with the time system locally in effect.

Decibel (DB)--The unit by which the sound level is measured.

Demolition--Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency work--Any work performed for the purpose of preventing or alleviating the physical damage or property damage threatened or caused by an emergency.

Industrial--An industrial area in any area included within a Light Industrial district, under the Zoning Bylaw. It does not include any area within a district zoned for residential purposes under the Zoning Bylaw, as herein defined, regardless of whether the area is being lawfully used or is available for such use through a variance granted by the Board of Appeal or through a nonconforming use or by any other means.

L<sub>10</sub>--The A-weighted sound level exceeded ten percent of the time.

Motor Vehicles--As defined in the Massachusetts General Laws, Chapter 90, Section 1 definitions.

Light Motor Vehicles--All motor vehicles having a gross vehicle weight of 10,000 pounds or less.

Heavy Motor Vehicles--All motor vehicles having a gross vehicle weight in excess of 10,000 pounds.

Motorcycle--As defined in the Massachusetts General Laws, chapter 90, Section 1 definitions.

Muffler or Sound Dissipative Device--A device for abating the sound of escaping gases or an internal combustion engine.

Noise Pollution--Any sound at or above the level set forth in Section 4 of this bylaw which exceeds the ambient noise level designated for the receiving land use category when measured at or within the property boundary of the receiving land use; plus any sound which (1) endangers the safety of, or could cause injury to the health of humans or animals or (2) annoys or

disturbs a reasonable person of normal sensitivities, or (3) endangers or injures personal or real property.

Person--Any individual, association, partnership or corporation, including any officer, employee, department, agency or instrumentality of the State recognized by law as the subject of rights and duties.

Residential Area--A residential area is any area within a Rural, Suburban, Single Residence, General Residence, Professional or Housing Authority district under the Zoning Bylaw.

Sound Level--The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B or C as specified in the American National Standards Institute specifications for sound level meters (ANSI).

Sound Pressure Level--Twenty (20) times the logarithm to the base ten (10) of the pressure of the sound to a reference pressure of twenty (20) micro-pascals, in accordance with standard engineering and scientific practices.

Vibration--Any movement of earth, ground or other similar surface created by a temporal and spatial oscillation of displacement, velocity or acceleration in any mechanical device or equipment located upon, attached, affixed or in conjunction with that surface.

### Section 3. Prohibited Acts.

- A. General prohibition of noise emissions. No person owning, leasing or controlling the operation of any source of noise shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution.
- B. Specific prohibitions. Except for emergency work or work covered under a permit granted by the Board of Selectmen or their designee under Section 8 of this bylaw, causing or allowing the occurrence of the following acts is declared to be in violation of the provisions of this bylaw.
  - (1) Operating, playing or permitting the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in a manner that disturbs the peace, quiet and comfort of the neighboring inhabitants or at a volume louder than is necessary for the convenient hearing of the person in the room, vehicle or building in which the device is operated. The operation of any such device between the hours of ten post meridian (10 P.M.) and seven ante meridian (7 A.M.) on the week nights (Sunday through Thursday) and between twelve post meridian (12 P.M.) and seven ante



meridian (7 A.M.) on weekend nights (Friday and Saturday) in a manner that make it clearly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located, is a violation of the standards set forth in this bylaw. Activities open to the public for which a proper permit has been issued are exempted from this provision.

- (2) Yelling, shouting, hooting, whistling or singing on the public ways between the hours of ten post meridian (10P.M.) and seven ante meridian (7 A.M.) or at any time or place that annoys or disturbs the quiet, comfort or repose of a person in an office, dwelling or other type of residence or of a person in the vicinity.
- (3) The keeping of an animal or bird which frequently and for continued periods of time causes a condition of noise pollution that disturbs the comfort and repose of a reasonable person in the vicinity at any time but most specifically between the hours of ten post meridian (10P.M.) and seven ante meridian (7 A.M.).
- (4) The offering for sale or selling of anything by shouting or outcry within a residential or business area of the Town of Sharon.
- (5) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects in a manner that causes a condition of noise pollution at any time but most specifically between the hours of eight post meridian (8 P.M.) and seven ante meridian (7 A.M.) across a real property boundary.
- (6) Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of eight post meridian (8 P.M.) and seven ante meridian (7 A.M.) on weekdays or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.
- (7) The operation of construction devices between the hours of seven ante meridian (7 A.M.) and eight post meridian (8 P.M.), including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.
- (8) The direct discharge into the open air of the exhaust of a steam engine, internal combustion engine such as chain saws, jackhammers, etc., motor boat, or motor vehicle except through a muffler of other such device, where commercially

available, designed to effectively prevent them from creating loud or explosive noises.

- (9) Operating or permitting the operation of any device that creates or causes any ground vibration which is perceptible without instruments at any point outside the property, street or sidewalk, on which the vibration source is located.

#### Section 4. Sound Levels by Receiving Land Use.

Except as provided in Section 5, no person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds the ambient noise level set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use	Item	Sound Level Limit (DBA)
Rural, Suburban, Single Residence, General Residence, Professional or Housing Authority District	Daytime	60
	All Other Times	50
Business Zoning District	At All Times	65
Light Industrial Zoning District	At All Times	70

#### Section 5. Restrictions on noise emitted from construction sites.

- (a) Except as provided in Section 3B, it shall be unlawful for any person to operate any construction device on any construction site if the operation of that device emits noise measured at the lot line of the affected property in excess of the following values:

Use of Affected Property	L <sub>10</sub> Level	Maximum Noise Level
Rural, Suburban, Single Residence, General Residence, Professional or Housing Authority District	75 DBA	86 DBA
Business	80 DBA	---
Light Industrial	85 DBA	---
Public Way	85 DBA	---

- B. The L10 level shall be determined by making 100 observations on the A-weighted network with the sound level meter at slow response at ten (10) second intervals. During any of these observations if a measurement is substantially affected by a source outside of the construction site, these measurements will not be considered. Observations will be continued until 100 valid observations have been recorded. The L10 level will be equivalent to the tenth highest level recorded. If the person taking measurements estimates that outside noise sources contribute greatly to the noise of the construction site, the aforementioned procedure shall be repeated when construction is inactive in order to correctly determine the L10 level. The L10 level during construction must be greater than the background L10 level by at least 5 DBA to be considered in violation of the provisions of this regulation.

#### Section 6. Motor Vehicles and Motorcycles on Public Rights-of-Way.

No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the following limits. Motor vehicle and motorcycle sound limits to be measured would be at a distance of fifty (50) feet from the center line of travel.

<u>Vehicle Class</u>	<u>Speed Limit</u> <u>35 mph or less</u>	<u>Sound Level</u> <u>in DBA Speed</u> <u>Limit Over 35 mph</u>
Vehicle in Excess of 10,000 pounds engaged in interstate commerce as permitted by Title 40, Code of Federal Regulations, Part 303, Environmental Protection Agency (Noise emission standards for motor vehicles engaged in interstate commerce)	86	90
All other Vehicles of 10,000 Pounds or More	86	90
Any other motor vehicle or combination of vehicles towed by any motor vehicle	78	82
Motorcycles	82	86

#### Section 7. Enforcement.

The Sharon Police Department and/or the Inspector of Building shall be charged with the enforcement of this bylaw.

Section 8. Permits and Exemptions.

- A. Provisions in this bylaw shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work.
- B. The Board of Selectmen or their designee may give a permit for any activity otherwise forbidden by the provisions of this bylaw. A person seeking such a permit should make written application to the Board of Selectmen or their designee on the appropriate form which is available at the office of the Selectmen.
- C. The Board of Selectmen or their designee shall issue guidelines defining the procedures to be followed in applying for a permit and the criteria to be considered in the decision of whether to grant one.
- D. The Board of Selectmen or their designee shall issue guidelines defining procedures to be followed in applying for an extension of time to comply with the provisions of these regulations and the criteria to be considered in the decision of whether to grant it. The guideline should include reasonable time-frames for compliance.
- E. Application for a permit for construction or repair work to be performed on a Sunday shall be made to the Inspector of Buildings.
- F. In some instances, when it can be demonstrated that bringing a source of noise into compliance with the provisions of this bylaw would create undue hardship on a person or the community, a permit may be granted for continuing the noise pollution.  
A person seeking a permit must make written application to the Board of Selectmen or their designee within five (5) days of receiving notification that s(he) is in violation of the provisions of this bylaw. The application shall contain the necessary information to support the applicant's claim. If the Board of Selectmen or their designee finds that sufficient controversy exists regarding the application, a public hearing shall be held by the Board of Selectmen or their designee.  
  
A person who claims that allowance of such continuance would have adverse effects may file a statement with the Board of Selectmen or their designee to support this claim.
- G. If the Board of Selectmen or their designee orders abatement of a source of noise pollution, a person who feels (s)he cannot meet the stated time schedule for compliance may file an application for an extension of time. A written application must be filed within five (5) days of receipt of notification of violation and shall contain information that supports the request for additional time to comply and shall propose a new compliance schedule. If

the Board of Selectmen or their designee finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that the allowance of an extension of time would have adverse effects may file a statement with the Board of Selectmen or their designee to support this claim.

#### Section 9. Hearings.

- A. The Board of Selectmen or their designee shall hold a public hearing if sufficient controversy exists regarding the issuance of a permit under this bylaw and may hold a public hearing if an extension of time to comply under the provision of this bylaw is requested.
- B. Resolution of the controversy will be based upon the information supplied by both sides in support of their individual claims and will be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen.

#### Section 10. Appeals.

Appeals of an adverse decision shall be made to the Superior Court.  
The court's review shall be limited to whether the decision was supported by substantial evidence.

#### Section 11. Penalties.

- A. Any person who violates any provisions of this bylaw, if convicted, shall be fined an amount not to exceed fifty dollars (\$50.00) a day.
- B. Each day that the offense continues shall be considered to be a separate violation.

#### Section 12. Conflict with Other Regulations.

The provisions contained within this bylaw shall not relieve any person from complying with other laws, statutes, codes, regulations or bylaws of the Commonwealth of Massachusetts or the Town of Sharon.

#### Section 13. Severability.

If any of the provisions of this bylaw are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions will remain in force.

ROBERT SHELMEARDINE



FINANCE COMMITTEE RECOMMENDATION:

This Article would regulate noise in Sharon. The Finance Committee understands that the petitioner no longer wishes to see this Article passed.

The Finance Committee recommends indefinite postponement.

Vote: 4-0-3

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ARTICLE 45

The undersigned, being ten registered voters residing in the Town of Sharon, hereby submit this petition:

To see if the Town will vote to amend the Zoning Bylaws of the Town of Sharon as follows:

By adding the following Section 3140 (Subsections 3141-3148) to Article III and renumbering the existing Section 3140 (Subsections 3141-3144) as 3150 (Subsections 3151-3154).

3140. Parking Requirements in Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B and General Residence Districts.

3141. Intent. It is the intent of this section to reduce traffic congestion, to promote the safety of motorists and pedestrians in the Town of Sharon, and to preserve the amenity of the Town's residential areas. This section requires development of adequate parking for the uses to which land is put.

3142. Parking Requirements in Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B and General Residence districts.

In Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B or General Residence district, no building shall be erected, altered or used for any of the purposes specified by the use regulations in Subsection 2310 unless off-street automobile parking spaces shall be provided in connection with such erection, alteration and/or use, (i) on the same lot, (ii) on one or more adjacent lots in common ownership, and/or (iii) on lots in common ownership separated by a street, as hereafter set forth:

- (a) Detached single-family residence. For each detached single-family residence, there shall be at least two parking spaces.
- (b) Two-family residence. For each two-family residence, there shall be at least two parking spaces for each of the two dwelling units.
- (c) Religious purposes.
  - 1. Place of worship. For each place of worship, there shall be at least one parking space for every three seats in the place of

worship. In the event temporary seats are to be used in a place of worship, the parking space requirement shall be determined on the basis of the total of temporary and permanent seats in use at the time of most intensive use. In no event shall the total of temporary and permanent seats in a place of worship exceed three times the number of parking spaces provided for the place of worship. In the event standing room and/or seating on floor is to be used in a place of worship, there shall be at least one additional parking space for every twenty square feet of area used for standing room or seating on the floor by worshippers. Notwithstanding the foregoing, in the event that the minimum parking space requirement for a place of worship does not exceed ten parking spaces, the Board of Appeals may reduce the requisite number of spaces by special permit upon a finding that provision of the minimum number of spaces is not reasonably possible, and that adequate, alternative, safe parking exists in the vicinity of the place of worship.

2. Meeting hall, social center or other place of assembly. For each meeting hall, social center or other place of assembly used for religious purposes, there shall be at least one parking space for every three seats. In the event temporary seats are to be used in such a place of assembly, the parking space requirement shall be determined on the basis of the total of temporary and permanent seats in use at the time of most intensive use. In the event the place of assembly is to be used wholly or partially without seating, there shall be at least one additional parking space for every twenty square feet of area, which does not contain seating but is used by persons for assembling in such place of assembly.

These parking spaces shall be in addition to the parking spaces requisite for an associated place of worship, provided that if no substantial use of any such place of assembly will be concurrent with the use of the place of worship, the parking spaces for such associated place of worship may be counted towards satisfaction of the parking spaces requisite for such place of assembly.

In the event that a limited use of any such place of assembly will be made at the same time as use of an associated place of worship, but that peak use will occur when the associated place of worship is not in use, upon application, the Board of Appeals shall issue a special permit to permit the limited use with a commensurately lower number of parking spaces than would be required for peak use of the place of assembly concurrent with use of the associated place of worship.

3. Dwelling place of a religious community. For each convent, monastery or like dwelling place of a religious community, there shall be at least one parking space for each three sleeping rooms.

4. Dwelling place of the clergy. For each rectory, parsonage or like dwelling place of the clergy, there shall be at least two parking spaces for each dwelling unit.
5. Place of religious education. For each religious school or college providing full-time instruction, the parking requirements of Paragraph (d) shall be met. For each facility used for religious purposes to provide part-time instruction, such as a Sunday School, there shall be at least one parking space for every three seats, provided that, to the extent the seats in such place of religious education are used by persons attending services in an associated place of worship and/or by children under age sixteen, there need be no additional parking for the place of religious education. If use of a place of religious education is not concurrent with use of an associated place of worship and/or place of assembly, the parking spaces for these other facilities shall be counted towards satisfaction of the parking spaces required by this subparagraph.
6. Administrative and office areas. For administrative and office areas, there shall be at least one parking space for every two hundred fifty square feet of usable floor area. If such use is not concurrent with use of an associated place of worship, place of assembly and/or place of religious education, the parking spaces for these other facilities shall be counted towards satisfaction of the parking spaces required by this subparagraph.
7. Temporary places of assembly. For uses which employ any temporary covered facility, such as a tent, as a place of assembly, there shall be at least one parking space for every three seats or one parking space for every one hundred square feet of area covered within such temporary facility, whichever is greater. If such use is not concurrent with use of an associated place of worship, place of assembly, place of religious education and/or administrative or office areas, the parking spaces provided for these other facilities shall be counted towards satisfaction of the parking spaces required by this subparagraph. If a use employs a temporary covered facility for no more than two days in any year, the use shall be permitted without provision of additional parking spaces.
8. General. For the purposes of this paragraph, in the event benches, pews or like seating are used in a building with a religious use, every two linear feet of such seating shall be deemed one seat. Parking spaces provided in connection with one use may be counted towards satisfaction of the parking requirements for one or more other nonconcurrent uses, but in no event shall parking spaces be counted more than once in connection with concurrent uses.

(d) Education purposes.

1. Preschool and kindergarten. For each preschool or kindergarten, there shall be at least three parking spaces for every two instructional rooms.
2. School. For each school, up to grade 12, there shall be at least two parking spaces for every instructional room for ten or more students. In the event students are permitted to park automobiles or other four-wheel motor vehicles at or in the vicinity of the school during school hours, there shall be an additional parking space for every eight eligible students with driver's licenses. If school auditoriums, theatres, gymnasiums and/or other covered places of assembly are from time to time open to the general public on an admission basis, there shall be one additional parking space for every three seats in such facility. If such use occurs after regular classroom hours, the parking spaces requisite for such school shall be counted towards satisfaction of the parking space requirements for such facility. In the event two or more such facilities are from time to time open to the general public on an admission basis but not at the same time as each other, the parking spaces requisite for one shall be counted towards the parking spaces requisite for the other facility or facilities.
3. College or university. For each college, university or school beyond grade 12, there shall be at least two parking spaces for every instructional room for ten or more students. In the event students are permitted to park automobiles or other four-wheel motor vehicles at the college, there shall be an additional parking space for every five students enrolled. If college auditoriums, theatres, gymnasiums and/or other covered places of assembly are from time to time open to the general public on an admission basis, there shall be one additional parking space for every three seats in such facility. If such use occurs after regular classroom hours, the parking spaces requisite for the college shall be counted towards satisfaction of the parking space requirement for such facility, except for the parking spaces determined on account of students who board at the college. In the event two or more such facilities are from time to time open to the general public on an admission basis but not at the same time as each other, the parking spaces requisite for one shall be counted towards the parking spaces requisite for the other facility or facilities.
4. Temporary places of assembly. For any other educational use which employs a temporary covered facility, such as a tent, as a place of assembly for non-students, there shall be at least one parking space for every three seats or one parking space for every one hundred square feet of area covered within such temporary facility or facilities, whichever is greater. Additional parking on account of the proportionate part of use of a temporary covered facility by students shall not be required. If use of a temporary covered facility is not concurrent with use of other facilities



for which parking spaces have been provided, these parking spaces shall be counted towards satisfaction of the parking spaces required by this subparagraph. If a use employs a temporary covered facility for no more than two days in any year, the use shall be permitted without provision of additional parking spaces.

5. General. For the purposes of this paragraph, in the event benches or like seating are used in a building with an educational use, every two linear feet of such seating shall be deemed to be one seat. Parking spaces provided in connection with one use may be counted towards satisfaction of the parking requirements for one or more other nonconcurrent uses, but in no event shall parking spaces be counted more than once in connection with concurrent uses. In the event that a school, college or university owns housing for members of its faculty within one-half mile of its educational facilities, the parking spaces provided for its faculty at such housing shall be counted towards satisfaction of the parking spaces required by this subparagraph.

(e) Municipal use. For each building with a municipal use, there shall be sufficient parking spaces as may be necessary to accommodate the automobiles of employees and users under anticipated normal conditions. The Board of Appeals shall specify the requisite minimum number of parking spaces in a special permit.

(f) Mixed uses. For mixed uses, there shall be the total of parking spaces required for each concurrent use. In the event the different uses are nonconcurrent, the parking spaces for each nonconcurrent uses may be counted in satisfaction of the parking spaces required for each other nonconcurrent use.

3143. Preexisting Uses. Any building or use of a building, or use of land or part thereof, on [date of first notice of Planning Board public hearing on this proposed amendment], may be continued, unless and until abandoned, although such building or use does not conform to the provisions of this Section, provided, however, that any existing parking areas which do not meet the requirements hereof shall not hereafter be rendered more nonconforming. If there is a lawful change in said use of such land or building, or if such building is lawfully added to, enlarged, reconstructed or replaced, said new use may be undertaken and any such addition, enlargement, reconstruction or replacement may be made without there being compliance with this Section, but only if the new use or building change does not increase by 25 percent or more the number of off-street parking spaces that would have been required had compliance with this Section been necessary before the new use or building changes.

3144. Changes in Uses. Whenever there is a lawful change in, or expansion of a lawful use existing on, [date of first notice of Planning Board public hearing], and whenever such change or expansion increases by 25 percent or more the number of off-street parking spaces required by this section for the changed or expanded use, as compared with the number of off-street parking spaces which would have been required for the prior use if compliance with



this Section had been necessary, the number of parking spaces, required by this Section for the changed or expanded use, shall be provided within a reasonable time not to exceed six months from the date of the change or expansion. In the event there is more than one change or expansion in a lawful use after [date of first notice of Planning Board public hearing] as to parking, the cumulative total of additional parking spaces required for all such changes or expansions shall be used to determine whether the number of required parking spaces has increased by 25 percent or more.

3145. Access to and Egress from Parking Areas for More Than Fifteen Vehicles in Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B and General Residence Districts. The following requirements, labelled "a" through "e," shall be applicable only to a parking area or parking areas with a total capacity of more than fifteen (15) automobiles on a lot or on contiguous lots in common ownership in a Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B or General Residence district.

- (a) Entrance. All parking areas shall be accessible by one or more driveways from an adjoining street or from an adjoining parking area, as hereafter provided. Driveways to, from and between streets and parking areas shall be sufficient for the peak flow of traffic.  
Such driveways shall be located so as to minimize conflict with traffic on streets. The entrance or entrances to a parking area from a street shall, insofar as practical, be designed to ensure safety for entering vehicles and shall not create dangerous conditions for motorists in the street and/or for pedestrians on adjacent sidewalks.
- (b) Exits. If an entrance to a parking area is also an exit from the parking area, there shall be an adequate separation to ensure the safety of entering and existing traffic on the driveway. The exit or exits from a parking area shall permit the vehicles exiting a safe and convenient juncture with the adjoining street and shall not create unsafe or dangerous conditions for motorists in the street and/or for pedestrians on adjacent sidewalks. The exit or exits shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.
- (c) Buses. In the event buses use any parking area, the driveway or driveways to or from any such parking area shall be designed to permit the safe and convenient movement of buses without creating any unsafe or dangerous conditions in the parking areas, the driveways, and the adjacent streets and sidewalks.
- (d) Sidewalks. The driveways to, from and between parking areas shall not be used for pedestrian traffic. Sidewalks or walkways shall be provided for pedestrian traffic.
- (e) Width and construction. Driveways to and from parking areas shall have a minimum width of twenty-four feet and a curb cut at the street of no

more than thirty feet. Driveways shall have a year-round, stable, dust-free, permanent surface, except for driveways which are used exclusively for access to and egress from a parking area or areas which provide parking exclusively for a temporary use or temporary uses. For the purposes of this paragraph, width of a driveway shall not include parking spaces on the side of the driveway.

3146. Setback Requirements for Parking Areas in Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B and General Residence Districts. In a Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B or General Residence district, any parking area for more than five automobiles shall be set back from any street or front lot line at least the same distance as a building in such district must be set back from such a street pursuant to the provisions in Subsection 2400; in any such district, any parking area for more than five automobiles shall be set back from any side or rear lot line at least the same distance as a building in such district must be set back from such side or rear lot line pursuant to the provisions in Subsection 2400.

3147. Design Standards. All parking areas for more than five vehicles and associated driveways shall be shown on a plan prepared by a Massachusetts Registered Architect, Landscape Architect, Registered Professional Engineer and/or Registered Land Surveyor indicating the layout of the parking areas, the layout of the spaces in such parking areas, the driveways, sidewalks, setbacks from streets and from lot lines, specification of sight lines at intersections of driveways and streets, separation from other parking areas, specification of location and type of trees and other landscaping (including any berms used to provide screening), cross section of construction and specification of construction material, surface drainage calculations and plans for surface drainage and specification of lighting. All parking areas, except parking areas provided exclusively for a temporary use, shall meet the following design standards and compliance shall be shown on the plan:

- (a) Parking surface and drainage. Any parking area for more than five automobiles shall have a year-round, stable, dust-free, permanent surface and adequate drainage. Runoff from any parking area shall not adversely affect any wetland areas or adjoining property, and runoff shall not be channelled so as to increase the flow of storm water onto neighboring property. Notwithstanding the foregoing, a parking area used exclusively for a temporary use may have a natural dust-free surface, such as grass, and need only be stable at such times of the year as the temporary use occurs. In no event shall parking spaces, which are provided exclusively for a temporary use and do not have a year-round, stable, dust-free, permanent surface, be counted in satisfaction of the parking space requirement of any other use.
- (b) Parking for handicapped. Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Board.
- (c) Aisles. The minimum width of maneuvering aisles within parking areas shall be as set forth in Subsection 3113(b).

- (d) Parking space size. Each parking space shall measure at least nine feet in width and twenty feet in length, provided that parallel parking spaces on any aisle or driveway shall be at least twenty-five feet in length.
- (e) Parking space layout. Required parking areas shall be designed so that each motor vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall spaces be so located as to require backing or maneuvering on a sidewalk.
- (f) Screening in residential districts. Each parking area for more than five vehicles in a Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B or General Residence district shall be screened from the street and any lot of an adjoining owner with shrubs and trees which are at least four (4) feet high at the time of planting and which are of the type that may be expected to form a year-round dense screen at least six (6) feet high within three years from the date on which such shrubs and trees are established.  
The use of vegetated berms may be used to provide screening. Such screening shall be maintained in good condition at all times.
- (g) Multiple parking areas. No parking area shall cover more than 20,000 square feet provided that more than one parking area may be constructed on a parcel of land so long as each parking area is separate from every other parking area by an area at least twenty feet wide planted with trees, shrubs, flowers and ground cover, which may include grass. One tree shall be required for every five spaces in multiple parking areas. Trees and other landscaping shall be located within or around the parking area so as to screen, at least partially, and to soften the visual impact of the multiple parking areas. Parking areas may be connected with each other by driveways not in excess of twenty feet wide with adequate sightlines and by pedestrian walkways not in excess of eight feet wide.
- (h) Topographical changes. Parking areas shall be designed, insofar as reasonably possible, to be compatible with the terrain and features of surrounding land and shall avoid, insofar as reasonably possible, extreme cuts and/or fills, and the unnecessary removal of trees with a trunk diameter of eight inches or more. The removal of earth materials and deposit of fill shall be in accordance with Section 4100.
- (i) Lighting. Off-site light overspill from any lighting of parking areas shall be controlled through the selection of lighting, its positioning and its mounting height so as not unnecessarily to add to illumination levels on any adjacent lot. Light standards shall not exceed eighteen feet in height. Off-site light overspill from lighting of parking areas shall not add more than one-tenth-foot candle increase in illumination levels on any adjacent lot in a residential zone. Off-site light overspill onto any adjacent lot in a residential zone from the headlights of vehicles entering, traversing or existing a parking area shall be minimized, insofar as reasonably possible, through the arrangement of parking areas and driveways on-site, by grading

(including use of vegetated berms) and/or by planting. Wooden fences (or their visual equivalent) may be used under circumstances where other means of controlling off-site light overspill are not practical.

- (j) Parking for buses. Parking for buses shall not be visible from any neighboring dwelling, and in no event shall buses be required to back up into pedestrian areas in order to turn around.
- (k) Parking structures. Parking facilities provided in an enclosed structure shall meet all requirements of the State Building Code and other applicable law and shall be subject to the requirements of this bylaw regarding buildings except that there shall be no parking required for such a structure. If such structure will contain more than fifteen parking spaces, the access and egress provisions of Subsection 3145 shall apply.

3148. Special Permit for Unbuilt Parking Spaces. Upon a finding that the requisite minimum number of parking spaces required in this Section are likely to exceed the immediately foreseeable need for parking spaces generated by the use of one or more buildings, the Board of Appeals by special permit may authorize up to 25 percent of the requisite parking spaces to remain unbuilt for a period up to three years. This unbuilt area shall be kept in a vegetated condition and shall not be built upon during the effective dates of the special permit. The Board of Appeals, by subsequent special permit, may authorize some or all of the spaces to remain unbuilt for one or more additional periods of up to three years upon a finding that any such spaces are in excess of the then immediately foreseeable need for parking spaces generated by the use of such building or buildings. Upon expiration of a special permit permitting requisite parking spaces to remain unbuilt, any such spaces shall be built forthwith.

By striking the second sentence in the definition of "Height, Building" in Article V and by adding a new Subsection 2415 as follows:

2415. Exceptions from Building Height Requirements. The limitations as to building height in feet shall not apply to such nonresidential accessories as chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory features which are required or are customarily carried above roofs, nor to towers, spires, domes, cupolas and ornamental features of churches and other buildings, if such features are not used for living purposes. However, such features shall be subject to the following limitations:

Chimneys shall not exceed the height of a building by more than five (5) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64)



feet. Upon a finding that the portion of a spire, tower or dome in excess of thirty-five (35) feet in height above the ground reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals may authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height above the ground. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. The height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction.

By adding a new Subsection 2416 as follows:

Buildings to Have Access. Every building used for a place of assembly with a legal capacity of 250 or more persons shall be located on a lot having the required frontage either on a collector road or on a road or roads which provide two or more separate access routes from a collector road or roads. A place of assembly is as defined in the State Building Code. A collector road means a road having a minimum pavement width of 26 feet and a minimum width of right-of-way of 70 feet.

By striking Section 2423 and substituting the following Section 2423:

Maximum lot coverage: ten (10) percent.

Maximum area of impervious materials, including structures: ten (10) percent.

Minimum natural vegetation area: Fifty (50) percent.

By adding to Subsection 2424 the following:

- (d) Any building used for nonresidential purposes which contains more than 4,000 square feet of gross floor area shall be set back from any street by a minimum of 150 feet and shall be set back from any lot of an adjoining owner within a Rural or Suburban 2 district by a minimum of 200 feet. Buildings accessory to nonresidential principal uses shall be set back from any lot of an adjoining owner within a Rural or Suburban 2 district by a minimum of 30 feet.

By adding the following Subsection 2426:

Each nonresidential structure which contains more than 4,000 square feet of gross floor area which is located on a lot adjoining any lot within a Rural or Suburban 2 district shall maintain screening along the street and along all boundaries with such Rural or Suburban 2 lot. The screening shall consist of a strip at least ten (10) feet in width of densely planted trees which are at least six (6) feet high at the time of planting and are of a type that may be expected to form, within three (3) years after time of planting, a continuous, unbroken, year-round visual screen. Plantings shall contain at least two (2)



rows of trees which shall not be more than five (5) feet apart, be able to attain a height of at least ten (10) feet and shall be maintained in a healthy growing condition.

Every effort shall be made to retain existing trees as part of the screening.

Screening shall be continuous except for required access. Notwithstanding the requirements set forth above, screening shall not be located so as to obstruct vehicle sight distances, entrances or exits.

By adding to Subsection 4532 the following:

- (e) any activity which requires or otherwise involves the construction on one lot or more than one adjacent lots of parking areas (whether as an accessory or principal use) for more than twenty-five (25) cars.

By adding to Subsection 6321 the following:

- (e) In Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A and Single Residence B Districts for any activity requiring more than fifteen (15) parking spaces on one lot or in one shared parking area.

By adding to Subsection 6324(b) after the word "improvements" the following:

including adequacy of access to the site and convenience and safety of users of nearby streets. In reviewing compliance with this Paragraph (b), the Board shall consider, without limitation, availability and desirability of multiple access to the site, the width and grade of streets providing access to the site and the existence of sidewalks along such existing streets.

By adding the following Subsection 3370:

3370. Noise. In a Rural or Suburban district, no noise shall exceed the maximum permitted sound levels as measured at any point in an adjacent lot. Noise shall be measured with an A-scale sound level meter constructed in accordance with specifications of the American National Standards Institute or specified by the Massachusetts Department of Environmental Protection.

At a lot line abutting a residential district: 45 decibels as measured on the continuous slow response meter.

- (1) Between the hours of 6 P.M. and 7 A.M. the permissible sound levels in any abutting residential district shall be reduced by five (5) decibels for continuous noises.
- (2) The following sources of noises are exempt from noise level regulations:
  - (a) Noises of safety signals, warning devices and emergency pressure relief valves.

- (b) Noises emanating from temporary construction and maintenance activities between 7 A.M. and 6 P.M.
- (c) Transient noises of ambient vehicular traffic.

ROBERT SHELMEKDINE

FINANCE COMMITTEE RECOMMENDATION:

This Article would add zoning regulations governing parking and noise, and change zoning regulations governing maximum lot coverage and building height. The Finance Committee believes that the various restrictions in this Article are unwise. In particular, this Article would have a heavy impact on parking requirements for houses of worship. It is likely that a number of existing houses of worship would be non-conforming and would be restricted in their ability to expand in the future. New houses of worship outside of commercial areas would need to conform with these difficult requirements.

The Finance Committee recommends defeat. Vote: 7-0-0.

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ARTICLE 45A

The undersigned, being at least ten registered voters residing in the town of Sharon, hereby submit this petition:

To see if the Town will vote to amend the Zoning Bylaws of the Town of Sharon as follows:

By adding the following Section 3140 (Subsections 3141-3143) to Article III and renumbering the existing Section 3140 (Subsections 3141-3144) as 3150 (Subsections 3151-3154):

3140. Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B, or General Residence District Parking Requirements.  
In Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B, or General Residence Districts off-street parking shall be provided to at least the following minimum specifications.

3141. Number of Parking Spaces Required:

The minimum number of parking spaces required shall be as follows:

- (a) for religious and educational institutions: for each place of worship, meeting hall, social center, or other place of assembly for religious or educational purposes, one (2) parking space for every five (5) fixed seats or ten (10) lineal feet of bench, whichever is greater, or where no seats or benches are provided, one (1) parking space per twenty (20) square feet of floor area open to public assembly. For each school, there shall be at least two (2) parking spaces for every instructional room

for ten (10) or more students. For administrative and office areas, there shall be at least one (1) parking space for every two hundred fifty (250) square feet of usable floor area. For each dwelling place within an educational or religious institution, there shall be at least one (1) parking space. Notwithstanding the foregoing, in the event that the minimum parking space requirement for an educational or religious institution does not exceed fifty (50) parking spaces, the Board of Appeals may reduce the requisite number of spaces by special permit upon a finding that provision of the minimum number of spaces is not reasonably possible, and that adequate, alternative, safe parking exists in the vicinity of the religious or educational institution.

(b) for other places of public assembly, such as for meetings, entertainment, recreation, adult education: one (1) parking space for every five (5) fixed seats or ten (10) lineal feet of bench, or where no seats or benches are provided, one (1) parking space per twenty (20) square feet of floor area open to public assembly.

(c) for temporary places of assembly: For uses which employ any temporary covered facility, such as a tent, as a place of assembly, there shall be at least one (1) parking space for every five (5) seats or one (1) parking space for every one (100) hundred square feet of area covered within such temporary facility, whichever is greater. If such use is not concurrent with the use of an associated place of worship, meeting hall, social center, or other place of public assembly for religious or educational purposes, the parking spaces provided for these other facilities shall be counted towards the satisfaction of the parking spaces required by this subparagraph. If a use employs a temporary covered facility for no more than two days in any year, the use shall be permitted without provision of additional parking spaces.

(d) For the purposes of this Section, in the event benches, pews or like seating are used in a building with a religious or educational use, every ten (10) linear feet of such seating shall be deemed one (1) seat. Parking spaces provided in connection with one use maybe counted towards satisfaction of the parking requirements for one or more other nonconcurrent uses, but in no event shall parking spaces be counted more than once in connection with concurrent uses.

(e) For mixed uses, there shall be a total of parking spaces required for each concurrent use. In the event that the different uses are nonconcurrent, the parking spaces for each nonconcurrent uses may be counted in satisfaction of the parking spaces required for each other nonconcurrent use.

3142. Preexisting Uses. Any building or use of a building, or use of land or part thereof, on April \_\_\_\_, 1992, may be continued, unless and until abandoned, although such building or use does not conform to

the provisions of this section, provided, however, that any existing parking areas which do not meet the requirements hereof shall not hereafter be rendered more nonconforming. If there is a lawful change in said use of such land or building, or if such building is lawfully added to, enlarged, reconstructed or replaced, said new use may be undertaken and any such addition, enlargement, reconstruction or replacement may be made without there being compliance with this Section, but only if the new use or building change does not increase by 25 percent or more the number of off-street parking spaces that would have been required had compliance with this Section been necessary before the new use or building changes.

3143. Changes in Uses. Whenever there is a lawful change in, or expansion of a lawful use existing on, April \_\_, 1992, and whenever such change or expansion increases by 25 percent or more the number of off-street parking spaces required by this section for the changed or expanded use, as compared with the number of off-street parking spaces which would have been required for the prior use if compliance with this section had been necessary, the number of parking spaces, required by this section for the changed or expanded use, shall be provided within a reasonable time not to exceed six months from the date of the change or expansion. In the event there is more than one change or expansion in a lawful use thereafter April \_\_, 1992, as to parking, the cumulative total of additional parking spaces required for all such changes or expansions shall be used to determine whether the number of required parking spaces has increased by 25 percent or more.

By adding a new Subsection 2415 as follows:

2415. Buildings to Have Access. Every building used for a place of assembly with a legal capacity of 250 or more persons shall be located on a lot having the required frontage either on a collector road or on a road or roads which provide two or more separate access routes from a collector road or roads. A place of assembly is as defined in the State Building Code. A collector road means a road having a minimum pavement width of 26 feet and a minimum width of right-of-way of 70 feet.

By adding to Subsection 4532 the following Subparagraph (e):

(e) any activity which requires or otherwise involves the construction on one lot or more than one adjacent lots of parking areas (whether as an accessory or principal use) for more than twenty-five (25) cars.

By adding to Subsection 6321 the following:

(e) In Rural 1, Rural 2, Suburban 1, Suburban 2, Single Residence A, Single Residence B and General Residence Districts for any activity requiring more than twenty (20) parking spaces on one lot or in one shared parking area.



By adding to Subsection 6324(b) after the word "improvements" the following:

including adequacy of access to the site and convenience and safety of users of nearby streets. In reviewing compliance with this Paragraph (b), the Board shall consider, without limitation, availability and desirability of multiple access to the site, the width and grade of streets providing access to the site and the existence of lighting and sidewalks along such existing streets.

ROBERT A. SHELMEERDINE

FINANCE COMMITTEE RECOMMENDATION:

This Article was accepted into the Warrant on March 26, 1992, by the Board of Selectmen. The Finance Committee, whose press deadline is March 27, 1992, is unable to make an informed recommendation within such a short time frame. Its recommendation will be made at Town Meeting.

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ARTICLE 46

To see if the Town will vote to transfer the control and management of a certain parcel of land described below to the Conservation Commission in accordance with Chapter 40, Section 8C of the Massachusetts General Laws as amended or act in any way related thereto.

1) A parcel of land known as 1571 Bay Road, Assessor's Map #55, Lot #10, more particularly described in a deed recorded in the Norfolk Registry of Deeds in Book 3370, Page 519 and Book 3893, Page 005 containing 70 acres more or less.

NICOLE CROMWELL

FINANCE COMMITTEE RECOMMENDATION:

This Article authorizes transfer of a land parcel from the Town to the Conservation Commission, thereby creating a link of contiguous parcels and creating access from Mountain Street to Bay Road.

The Finance Committee recommends approval. Vote: 8-0-0.

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ARTICLE 47

Whereas, the Annual Town Meeting is held on the Monday following the Annual Town Election in the month of May, and

Whereas, the Annual Town Meeting is generally the only opportunity during the year that citizens and taxpayers may present requests, questions and issues for town-wide debate, and



Whereas, the time period between the closure of the warrant and the convening of Town Meeting has significantly increased in recent years, and

Whereas, this situation has prevented Town Meeting from dealing with certain issues in a timely manner, and

Whereas, this situation has severely limited citizen access to the Town Meeting warrant.

Therefore, it is resolved that the sense of the Town Meeting is that the warrant for the Annual Town Meeting should close no sooner than 12 weeks prior to the first night of the Annual Town Meeting and that the Board of Selectmen shall use due diligence in advertising the closing of the warrant.

NICOLE CROMWELL

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee now has great difficulty in reviewing all articles submitted within current time restraints. Due to the time required for legal review and warrant preparation, articles are not made available to the Finance Committee until weeks after the closing of the Warrant. The Warrant must be ready for printing in late March or early April. Further shortening of available time would not allow for responsible review of articles in time for recommendations to appear in the printed Warrant. The Finance Committee understands that the petitioner is discussing the resolution of the issues with the Board of Selectmen.

The Finance Committee recommends defeat. Vote: 5-0-2.

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ARTICLE 48

Whereas, the Selectmen have petitioned the Town Meeting to accept a gift of land from Barletta Corp., said parcels being Assessor's Map #50, Lots # 19 & 20; Map #60, Lot #13; known as 25R Mohawk Street, 25 Mohawk Street and 21R Mohawk Street respectively and more particularly described in Norfolk deeds Book 5094, Page 712; Book 5007, Page 420; and Transfer Certificate of Title, Book 486, Page 94, No. 97094, and

Whereas, said parcels of land are located in an environmentally sensitive area, namely the Great Cedar Swamp and the watershed of Lake Massapoag, and

Whereas, said parcels of land have little "high and dry" area, contain extensive wetland resource values for passive recreation, rare habitat flora, water pollution and flood control qualities;

Therefore, it is resolved that the Town Meeting directs the Board of Selectmen to record or cause to record a Conservation Restriction on all wetlands as defined by MGL Chapter 131, Section 40 on said parcels of land, if and when the Town Meeting accepts these parcels as a gift. The Conservation Commission

shall determine the boundaries of said wetlands. The Conservation Restriction shall be written in a manner acceptable to the Conservation Commission and Town Counsel and shall be recorded in the Norfolk County Registry of Deeds.

NICOLE CROMWELL

FINANCE COMMITTEE RECOMMENDATION:

This Article seeks to transfer the land given to the Town under Article 43 of this Warrant to the control of the Conservation Commission. As this land is mostly wetlands, the Finance Committee recommends approval.

The Finance Committee recommends approval. Vote: 7-0-0

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ARTICLE 49

To see if the Town will vote to request the Selectmen to provide public transportation along North and South Main Street from the border with Canton/Stoughton to the border with Foxboro.

or to act in any way related thereto.

This article will permit the Town to vote on a "Sense of the Meeting" motion in order to express support for the Town arranging for public transportation along Main Street between Cobb Corner and the Shaw's shopping plaza.

IRVING I. ROOMGELLER

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends indefinite postponement of this Article and referral to the Transportation Advisory Board for further review and recommendation.

The Finance Committee recommends indefinite postponement. Vote: 6-0-1.

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ARTICLE 50

To see if the town will vote to stop the selectman from rolling over the Executive Secretary's Contract every year so that the three year contract never ceases. No other contract in the town has this feature.

HAROLD NODDELL

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends indefinite postponement of this Article and referral to the Government Study Committee for further review and recommendation. It is the feeling of the Finance Committee that the Board of Selectmen should review their current practices in this area and consider procedural changes.

The Finance Committee recommends indefinite postponement.  
Vote: 4-2-1

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ARTICLE 51

All elected and appointed officials to serve no more than 2 consecutive terms.

HAROLD NODDELL

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee believes the adoption of this Article would deprive the Town of experienced representatives needed on many of its boards and committees.

The Finance Committee recommends indefinite postponement.  
Vote: 5-0-2

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ARTICLE 52

To see if the town will vote to rescind the use of town automobiles and gasoline for executive use.

HAROLD NODDELL

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee believes that the vehicles are necessary for the executives to perform their responsibilities.

The Finance Committee recommends indefinite postponement.  
Vote: 6-0-1

\*\*\*\*\*  
ARTICLE 53

To see if the town will vote to eliminate the Council on Aging directors job and that of the Executive Secretary.

HAROLD NODDELL

FINANCE COMMITTEE RECOMMENDATION:

A professional director is able to refer social services, aggressively seek grants, coordinate volunteers and counsel clients. It is strongly felt that with State and Federal cutbacks in assistance programs, the Town needs to continue to provide its elders with this position.

The petitioner also seeks to eliminate the job of what he refers to as the "Executive Secretary". The position is actually the "Administrative Assistant" for the Council on Aging and is funded by a grant at no cost to the Town. Elimination of the position would be irresponsible.

The Finance Committee recommends indefinite postponement.  
Vote: 6-0-1

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ARTICLE 54

To see if the town will vote to give a rebate to all home owners who live in their own home. \$400.00

HAROLD NODDELL

FINANCE COMMITTEE RECOMMENDATION:

Rebating the approximately 4,665 homeowners who live in their own homes would cost the Town \$1,864,000. This would be fiscally irresponsible.

The Finance Committee recommends indefinite postponement.  
Vote: 6-0-1

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ARTICLE 55

To see if the town will vote to restore all the original street lights, converted to high-pressure sodium lighting, in the town.

LEONARD KIMMEL

FINANCE COMMITTEE RECOMMENDATION:

The petitioner is currently working with the Board of Selectmen on the resolution of this subject.

The Finance Committee recommends indefinite postponement.  
Vote: 6-1-1

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ARTICLE 56

To authorize the Town of Sharon acting by and through its Board of Selectmen to petition the General Court under the provisions of Act 89 of the Massachusetts Constitution to exchange land.

STEPHEN KOSS

FINANCE COMMITTEE RECOMMENDATION:

This subject matter is covered under Article 39.

The Finance Committee recommends indefinite postponement.

Vote: 8-0-0

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ARTICLE 57

To see if the Town will vote to accept and adopt as a public way Tisdale Road in its entirety from Mountain Street westerly a distance of 339.60 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

\*\*\*\*\*

ARTICLE 58

To see if the Town will vote to accept and adopt as a public way Colonel Gridley Road in its entirety from Gavins Road northeasterly a distance of 612.38 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 59

To see if the Town will vote to accept and adopt as a public way Gavins Pond Road from South Main Street southeasterly a distance of 4000 linear ft. to sta. 38+50. as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 60

To see if the Town will vote to accept and adopt as a public way Reeve Road in its entirety from Gavins Pond Road southwesterly a distance of 665.0 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 61

To see if the Town will vote to accept and adopt as a public way Boyden Road in its entirety from Gavins Pond Road southwesterly a distance of 534.19 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 62

To see if the Town will vote to accept and adopt as a public way Cow Hill Road extension in its entirety from Sta. (1 + 43.91) southeasterly a distance of 500.16 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 63

To see if the Town will vote to accept and adopt as a public way Mattakesett Circle in its entirety from Knob Hill Street westerly a distance of 590.0 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 64

To see if the Town will vote to accept and adopt as a public way Lothrop Way in its entirety from Deborah Sampson Street southeasterly a distance of 402.0 linear ft. to its terminus as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

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ARTICLE 65

To see if the Town will vote to accept and adopt as a public way Tanglewood Road in its entirety from Massapoag Avenue southeasterly a distance of 825.99 linear ft. to its terminus at Briar Hill Road as laid out by the Selectmen, and raise and appropriate, or transfer from available funds, a sum of money therefor, or act in any way relating thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Because Planning Board meetings on this subject have not taken place before the Warrant had to go to press, the Finance Committee will vote on this Article and make its recommendation at Town Meeting.

\*\*\*\*\*

ARTICLE 66

To see if the Town will vote, pursuant to the provisions of G.L. Ch. 30B section 12 (b) to authorize the procurement officer to award a contract to New England Telephone for the purchase of a Nova Centrex Telephone Service, such agreement to be for a term of seven (7) years as required by the applicable Department of Public Utilities tariff, and upon such further terms and conditions as the Board of Selectmen deems advisable, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Passage of this Article will allow the Town to enter into a seven year contract with New England Telephone to install and maintain a Nova Centrex Telephone System. This will be done at no additional cost to the Town and will represent a savings over the life of the contract.

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 67

To see if the Town will vote to amend the General By-Laws by deleting therefrom Article 12A in its entirety and substituting therefore the following Article 12A:

SECTION I

In order to protect the welfare of the inhabitants of the Town, the following Earth Removal By-Law is adopted pursuant to the provisions of M.G.L.A. Ch. 40, sec. 21, paragraph 17.

## SECTION II

The following provision shall be applicable in the Single Residence, Suburban, Rural, Housing Authority and General Residence Zoning Districts.

The stripping or removal from any land of soil, loam, gravel, sand or any other earth material is permitted within these Zoning Districts, provided that such stripping or removal is actually necessary for the construction of a building, structure, well, tank, pool, driveway, parking area, path, other building appurtenance, sidewalk or road, in which case the amount of earth materials to be stripped and removed shall be limited to the volume of the foundation and basement of the building, structure, well, tank, pool or other building appurtenance or to the volume of the bed of the driveway, parking area, path, sidewalk or road and such other amount as shall be required for grading and sloping in connection with any of the foregoing; or is actually necessary as part of a bona fide farm, garden, nursery, lawn making, planting, recreational or cemetery activity or takes place on land in public use; and provided further that except (1) when taking place on land in public use, or (2) where the earth material to be stripped or removed from any parcel of land in any calendar year shall not exceed in the aggregate, twenty-five (25) cubic yards, a special use permit authorizing each such stripping or removal shall have been obtained in advance from the Selectmen, who may impose such conditions as shall safeguard the Town and the neighborhood. Each such special use permit shall require the preservation of the natural contour of the land wherever feasible, and no such special use permit shall authorize the removal of loam beyond the geographical limits of the Town. It is intended by this clause that the stripping or removal of any earth material from any parcel of land, for which a preliminary or definitive subdivision plan has been prepared, shall be allowed only in the same manner as the stripping or removal from any other land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the stripping or removal of any material, even though in connection with the construction of streets shown on the plan. For the purpose of this clause, the term "parcel of land" shall be construed to mean all adjoining lots or tracts in common ownership.

## SECTION III

### INDUSTRIAL ZONING DISTRICT

The following provision shall be applicable in the Industrial Zoning District.

The moving of sod, loam, gravel and other earth materials from place to place within the Light Industrial Zoning Districts, and the removal of soil materials other than sod and loam from the Light Industrial Districts are permitted within Industrial Districts provided such moving or removal is authorized by a Special Use Permit from the Board of Selectmen. Such permit

shall be made subject to appropriate conditions, limitations and safeguards designed to protect area property owners from noise, dust or prolonged scars on the landscape, to safeguard lives and property, and to prevent unnecessary destruction of natural vegetation and original contours, and to protect the Town against costs or expenses occasioned upon the Town by such removal. Excavation and grading authorized by this section shall not exceed in depth and slope the contours as approved by the Board of Selectmen.

#### SECTION IV - HEARING AND PROCEDURE

All applications for such special use permits shall be accompanied by exhibits and documentation deemed necessary by the Board for the proper issuance of a permit, which may include the following:

1. Name and address of the legal owner of the land in question.
2. Name and address of petitioner, if different.
3. Names and addresses of all owners of property within 100 feet of the land.
4. Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed excavation, the location of all structures within 200 feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the removal operation.

All such plans shall indicate a division of the land into acres.

5. A plan of the site indicating the depth of loam before excavation of intervals of one hundred feet by means of a surveyed grid.
6. Statement of plans for the disposal of rock, tree stumps, and other waste materials, and for the drainage of the site and excavation during and after the removal operation.
7. A plan and specification, prepared by a registered engineer or land surveyor, for the final grading and restoration of the site. Upon receipt of an application for a permit for earth removal the Board shall:
  - a) Appoint a time and place for a public hearing, notice of which shall be given to the applicant, and shall be published at least 14 days before such hearing in a newspaper having a circulation in the Town.
  - b) Inspect the site covered by the application.



- c) The Conservation Commission shall be given a copy of the plans and application for review and comment at least 14 days before a public hearing.
- 8. A fee as determined by the Board shall be charged for making an application and shall reflect the cost of the Town to review such application.
- 9. A reasonable fee shall be charged for each permit issued, in accordance with a schedule published by the Board, based on the volume of gravel removal authorized by the permit. In addition, the Board has the authority to retain a qualified professional engineer or other qualified experts for the purpose of insuring that the provisions of this by-law and the permit are complied with. Such engineers or experts may be retained at any time either before or during the term of the permit. As a condition of the issuance of an earth removal permit, the petitioner shall agree to reimburse the Town of Sharon for all such engineering and other fees and expenses or damages caused to the Town including, without limitation damages caused to public ways associated with the permit.

#### SECTION V - PENALTY

Any person, firm, or corporation willfully violating, disobeying, or refusing to comply with any of the provisions of this by-law shall be prosecuted under the terms of General Laws, Ter. Ed., Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than \$50.00 for the first offense, not more than \$100.00 for the second offense, and not more than \$200.00 for any subsequent offense. Each day of non-compliance shall constitute a separate offense. The Board may revoke or suspend the permit of any person, firm or corporation holding a permit under this by-law if such person, etc. violates, disobeys, or fails to comply with any of the provision of this by-law.

Or take any other action relative thereto.

BOARD OF SELECTMEN

#### FINANCE COMMITTEE RECOMMENDATION:

Article 68 removes from the Zoning By-Law earth and gravel removal provisions. It has been determined that these provisions should rather be placed in the structure of a separate, free standing General By-Law as proposed in Article 67.

The Finance Committee recommends approval. Vote 5-0-3

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#### ARTICLE 68

To see if the Town will vote to revoke Section 4100, Earth Removal, including Section 4110, Single Residence, Suburban Rural, Housing Authority and General Residence Districts, and 4120 Industrial District, in their entirety, or act in any way relating thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

See the recommendation for Article 67.

The Finance Committee recommends approval. Vote: 5-0-3

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ARTICLE 69

To see if the Town will vote to authorize the Selectmen on behalf of the Town to sign, seal, acknowledge and deliver a deed to the Executive Committee of the First Congregational Church of Sharon conveying a parcel of land containing 7,084 s.f. +/-, generally located on the side of the lot owned by the Town adjacent to said Church. Said parcel is shown as Parcel "B" on a Sketch Plan, "PROPOSED PLOT PLAN FOR HISTORICAL SOCIETY" dated January 27, 1992, and revised February 19, 1992, and March 19, 1992, prepared by the Town Engineer's office and on file with the Town Clerk. Said parcel shall be subject to an easement in favor of the Town, seventeen (17) feet wide and running the length of said parcel, as shown on said plan, such easement to be for a driveway to access the remaining land of the Town. Further, the Selectmen will accept, on behalf of the Town from said Executive Committee, in exchange for the above conveyance, a parcel of land to the rear of said lot owned by the Town. Such parcel is designated as Parcel "A" on the above Sketch Plan and contains 7,084 s.f.+/-.

or to act in any way relating thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article will allow the First Congregational Church to exchange parcels of adjacent land with the Town for mutual benefit.

The Finance Committee recommends approval. Vote: 8-0-0

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ARTICLE 70

To see if the Town will vote to authorize the Board of Selectmen to transfer and convey or lease to the Sharon Historical Society for the nominal consideration of one (\$1.00) dollar the following parcel of land:

Parcel "C" as shown on a Sketch Plan Proposed Plot Plan for Historical Society dated January 27, 1992 prepared by the Town Engineer's office, on file with the Town Clerk, containing 15,600 square feet.

Said parcel is located generally on High Street and is a portion of land owned by the Town which abuts land of the First Congregation Church and 22 High Street.

Said conveyance or lease shall be on such terms and conditions as the Board of Selectmen may deem appropriate except that the consideration to the Town shall be nominal and said lease or conveyance shall provide that in the event the Historical Society has not commenced construction of a building on said land within eight (8) years of said transfer, then the lease shall be terminated or the conveyance shall revert to the Town.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This Article transfers a parcel of Town land to the Historical Society for one dollar for the purpose of site construction of a Historical Society building. The property will revert to the Town if funding of the project is not completed within eight years.

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 71

To see if the Town of Sharon will vote to accept an Equal Educational Opportunity Grant for the Southeastern Regional School District for fiscal year 1993, under the provisions of G. L. Chapter 70A, Section 5, as inserted by Chapter 188 of the Acts of 1985. Said grant shall be expended by the district school committee for direct service expenditures with funds provided solely by the Commonwealth, or take any other action relative thereto.

SOUTHEASTERN REGIONAL SCHOOL DISTRICT

FINANCE COMMITTEE RECOMMENDATION:

The monies for this grant come from the State and are then transferred to the Southeastern Regional School District for services rendered. If, for any reason, there are no State funds forthcoming, there would be no financial liability on the part of the Town.

The Finance Committee recommends approval. Vote: 8-0-0

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And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws.

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 2nd day of April, A.D., 1992.

EDWIN S. LITTLE, Chairman

HENRY D. KATZ

RONI THALER

BOARD OF SELECTMEN SHARON, MASSACHUSETTS

A True Copy: BERNARD C. COFFEY, Constable Sharon, Massachusetts

Date: April 2, 1992

ARTICLE 5 RECAPITULATION

DEPT	DEPARTMENT NAME	1990-91 EXPENDED	1991-92 APPROPRIATION	RECOMMENDED TOTAL	1992-93 DETAILED	RECOMMENDED INC/(DEC)	PERCENT CHANGE
01-114	MODERATOR	\$50	\$50	\$50		\$0	0.00%
H 01-122	BD OF SELECTMEN	\$119,981	\$119,389	\$124,912		\$5,523	4.63%
	SELECTMEN'S SALA				\$900		
	OTHER SAL/WAGES				\$107,846		
	EXPENSES				\$16,166		
	O.O.S. TRAVEL				\$0		
01-131	FINANCE COMM	\$3,430	\$3,330	\$3,230		(\$100)	-3.00%
01-132	RESERVE FUND	\$331,800	\$265,852	\$300,000		\$34,148	12.84%
01-135	ACCOUNTANT	\$104,436	\$105,073	\$111,179		\$6,106	5.81%
	SALARIES/WAGES				\$107,669		
	EXPENSES				\$3,510		
H 01-141	ASSESSORS	\$117,768	\$111,637	\$108,288		(\$3,349)	-3.00%
	ASSESSORS' SAL.				\$5,100		
	OTHER SAL/WAGES				\$88,157		
	EXPENSES				\$15,031		
01-145	TREASURER	\$197,021	\$191,123	\$184,637		(\$6,486)	-3.39%
	TREASURER'S SAL.				\$147,527		
	OTHER SAL/WAGES						
	TAX TITLES				\$37,110		
	EXPENSES				\$0		
	O.O.S. TRAVEL						
01-151	LAW	\$60,000	\$63,000	\$63,000		\$0	0.00%
01-152	PERSONNEL BOARD	\$2,553	\$3,419	\$3,316		(\$103)	-3.01%
01-155	DATA PROCESSING	\$99,104	\$103,702	\$104,002		\$300	0.29%
	SALARIES/WAGES				\$47,225		
	EXPENSES				\$56,777		
H 01-161	TOWN CLERK	\$60,171	\$60,216	\$61,104		\$888	1.47%
	TOWN CLK SALARY				\$31,660		
	OTHER SAL/WAGES				\$25,158		
	EXPENSES				\$4,286		
	O.O.S. TRAVEL						



## ARTICLE 5 RECAPITULATION

DEPT	DEPARTMENT NAME	1990-91 EXPENDED	1991-92 APPROPRIATION	RECOMMENDED TOTAL	1992-93 DETAILED	RECOMMENDED INC/(DEC)	PERCENT CHANGE
01-162	ELECTION/REGIST	\$57,236	\$51,652	\$57,581		\$5,929	11.48%
	SALARIES/WAGES EXPENSES				\$41,867 \$15,714		
01-171	CONSERV COMM	\$18,588	\$18,455	\$18,455		\$0	0.00%
	SALARIES/WAGES EXPENSES				\$16,926 \$1,529		
01-172	LAKE MGMT COMM	\$0	\$1,000	\$1,000		\$0	N/A
01-175	PLANNING BOARD	\$13,944	\$14,374	\$13,943		(\$431)	-3.00%
01-176	BOARD OF APPEALS	\$1,800	\$1,800	1800		\$0	0.00%
01-180	DEV/IND COMM	\$20	\$1	\$1		\$0	0.00%
01-186	AFFIRM ACTION	\$50	\$50	\$50		\$0	0.00%
01-195	TOWN REPORT	\$8,350	\$8,375	\$8,375		\$0	0.00%
01-199	SIGN COMMITTEE	\$50	\$50	\$50		\$0	0.00%
01-210	POLICE DEPT	\$1,325,707	\$1,368,555	\$1,337,030		(\$31,525)	-2.30%
	SALARIES/WAGES EXPENSES				\$1,228,058 \$108,972		
01-220	FIRE DEPARTMENT	\$757,713	\$784,211	\$789,147		\$4,936	0.63%
	SALARIES/WAGES EXPENSES				\$742,460 \$46,687		
H 01-231	AMBULANCE	\$61,617	\$68,242	\$68,242		\$0	0.00%
	SALARIES/WAGES EXPENSES RESERVE OVERLAY				\$29,919 \$3,523 \$34,800		
01-244	SLR OF WEIGHTS	\$1,500	\$1,500	\$1,500		\$0	0.00%
01-249	ANIMAL INSPECT	\$1,000	\$1,000	\$1,000		\$0	0.00%
01-291	CIVIL DEFENSE	\$4,383	\$4,383	\$4,383		\$0	0.00%
01-292	DOG OFFICER	\$27,626	\$26,497	\$27,478		\$981	3.70%
	SALARIES/WAGES EXPENSES				\$20,586 \$6,892		

# ARTICLE 5 RECAPITULATION

DEPT	DEPARTMENT NAME	1990-91 EXPENDED	1991-92 APPROPRIATION	RECOMMENDED TOTAL	1992-93 DETAILED	RECOMMENDED INC/(DEC)	PERCENT CHANGE
01-300	EDUCATION	\$55,408	\$53,597	\$58,950		\$5,353	9.99%
5320	S.E. REGIONAL				\$53,450		
5321	VOC TUTION				\$5,500		
01-310	SCHOOLS	\$11,090,922	\$11,271,704	\$11,506,117		\$234,413	2.08%
	O.O.S. TRAVEL				\$0		
01-401	D.P.W.	\$1,180,264	\$1,182,304	\$1,124,594		(\$57,710)	-4.88%
	SALARIES/WAGES				\$836,029		
421	ADMINISTRATION				\$26,500		
422	HIGHWAY MAINT				\$45,230		
423	WINTER MAINT				\$68,200		
425	TRAFFIC CONTROL				\$0		
426	ROAD MACHINERY				\$58,740		
427	GASOLINE/DIESEL				\$27,895		
428	FACILITIES MAINT				\$61,000		
429	FORESTRY GROUNDS				\$1,000		
430	SANITARY LANDFIL				\$0		
431	O.O.S. TRAVEL				\$0		
01-490	STREET LIGHTS	\$295,850	\$243,960	\$225,060		(\$18,900)	-7.75%
01-510	HEALTH	\$168,829	\$162,786	\$176,404		\$13,618	8.37%
	SALARIES				\$61,527		
	EXPENSES				\$114,877		
01-541	COUNCIL ON AGING	\$45,538	\$47,106	\$50,544		\$3,438	7.30%
	SALARIES				\$39,858		
	EXPENSES				\$10,686		
01-543	VETERAN'S	\$11,894	\$11,894	\$16,619		\$4,725	39.73%
	SALARIES				\$8,324		
	EXPENSES				\$8,295		
01-544	VETERAN'S GRAVES	\$850	\$1,000	\$1,000		\$0	0.00%
01-545	COMM DISABILITY	\$0	\$0	\$200		\$200	N/A

ARTICLE 5 RECAPITULATION

DEPT	DEPARTMENT NAME	1990-91 EXPENDED	1991-92 APPROPRIATION	RECOMMENDED TOTAL	1992-93 DETAILED	RECOMMENDED INC/(DEC)	PERCENT CHANGE
01-610	LIBRARY	\$367,721	\$367,930	\$372,230		\$4,300	1.17%
	SALARIES/WAGES				\$262,520		
	EXPENSES				\$109,710		
	O.O.S. TRAVEL				\$0		
01-630	RECREATION DEPT	\$182,304	\$195,288	\$199,976		\$4,688	2.40%
	SALARIES/WAGES				\$160,734		
	EXPENSES				\$39,242		
	O.O.S. TRAVEL				\$0		
01-691	HISTORICAL COMM	\$25	\$150	\$400		\$250	166.67%
01-914	MEDICARE & SOCIAL SECURITY	\$65,000	\$73,606	\$85,429		\$11,823	16.06%
01-920	INSURANCE	\$1,827,245	\$2,005,012	\$2,424,751		\$419,739	20.93%
01-916	PENSIONS	\$777,809	\$714,627	\$833,683		\$119,056	16.66%
5177 5178	NORFOLK COUNTY VETERAN'S				\$833,683 \$0		
	INTEREST & DEBT	\$1,526,904	\$1,937,090	\$2,179,470		\$242,380	12.51%
01-710	MATURING DEBT				\$2,120,470		
01-715	INTEREST				\$59,000		
TOTAL OPERATING BUDGET		\$20,972,461	\$21,644,990	\$22,649,180		\$1,004,190	4.64%
28-450	WATER DIVISION	\$923,533	\$1,123,379	\$1,132,595		\$9,216	0.82%
	SALARIES				\$374,557		
	EXPENSES				\$758,038		
	O.O.S. TRAVEL				\$0		

## NOTES

## NOTES



**TOWN OF SHARON  
SHARON, MASS. 02067**



	<b>BULK RATE U.S. POSTAGE PAID PERMIT NO.13</b>

**POSTAL PATRON  
SHARON, MA.  
02067**